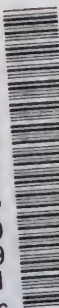


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UTAH SCHOOL LAWS

[From Compiled Laws of Utah, 1917, and Session Laws of Utah, 1919 and 1921.]

TITLE 90.

PUBLIC SCHOOLS.

CHAPTER 1.

STATE BOARD OF EDUCATION

4505. Membership. Term. Control of public schools. Establishment of libraries and gymnasiums. Secretary. The state board of education shall consist of the state superintendent of public instruction, the president of the University of Utah, the president of the Agricultural College of Utah, and six other persons appointed by the governor by and with the consent of the senate, two each biennium and for six year terms; except that the first appointments under this chapter shall be classified by the governor as to the length of terms, so as to provide for such future biennial appointments. Appointments to fill vacancies shall be for the unexpired terms. In making such appointments the governor is to be influenced only by consideration of merit and fitness, and the appointments shall be made without reference to residence, occupation, party affiliation, religion, or sex. The governor may remove any member so appointed for immorality, malfeasance in office, incompetency, or continued neglect of duties. The general control and supervision of the public school system is vested in the state board of education. The state board of education shall also promote the establishment of libraries and gymnasiums throughout the state, and shall have power to appoint a secretary, who shall work under the direction of the state superintendent of public instruction. The salary of the secretary shall be fixed by the state board of education and approved by the state board of examiners. The board shall have the power to call to its assistance expert help to promote libraries and gymnasiums whenever needed. The actual and necessary traveling expenses incurred by such help and the salary of the secretary shall be paid from the contingent fund of the state board of education, upon the presenta-

tion of properly certified and approved vouchers. '11, p. 94; '15, p. 188.

State board, powers, Con. art. 10, sec.

8. Public school system includes what, Con. art. 10, Sec. 2.

General provisions on education, Con. Art. 10.

To insure employees, §§ 3110, 3111, 3119.

Direct expenditure district library fund, § 1525.

Direct work of supervisors agricultural and home economics education, §§ 4541-4544.

Conduct examinations for teachers of county districts of first class, § 4620.

Duties as to high school fund, §§ 4575-4582.

Duties as to differential aid to districts, §§ 4567, 4568.

4506. Issuance of certificates and diplomas. The State Board of Education is hereby authorized and empowered to issue certificates and diplomas of high school, junior high school, grammar, primary, and kindergarten grade; and also to issue superintendents' certificates and diplomas and supervisors' certificates and diplomas. Such certificates and diplomas shall be valid in any school district of the State in the department of instruction or supervision for which they are issued. Am'd '03, p. 156; '19, p. 271.

4507. Diplomas—qualifications. Diplomas of all grades including superintendents' and supervisors' diplomas, shall be issued only to professional teachers, superintendents, or supervisors, who have reached the age of twenty-three years, have had five years of successful teaching or supervising experience in this State, exhibit satisfactory evidence of good moral character and freedom from serious infectious or hereditary disease, and are found to possess the requisite scholarship and culture. These diplomas are valid for life unless revoked for cause or unless the holders allow a space of five consecutive years to pass without following the pursuit of school teaching or supervising. Am'd '03, p. 71; '19, p. 271.

4508. Rank and classification of certificates. Certificates shall be of such rank and classification as the State Board of Education shall determine, and shall be valid for a period of not to exceed five years. Certificates may be issued to applicants who have not had the teaching or supervising experience in this State required for diplomas. Am'd '19, p. 271.

4509. Determination of requisites—changes—issues by University—credits—extra-State. The State Board of Education shall determine the scholarship and training required of applicants for diplomas; and the scholarship, training and experience required of applicants for certificates; provided that:

1. Any change made by the State Board of Education by which the scholarship, training, or experience required for any certificate or diploma is increased shall be announced when made, and shall be effective not less than one year from the date when such change is announced.

2. Certificates and diplomas issued by the school of education of the University of Utah when indorsed by the chairman of the State Board of Education shall have the force of certificates and diplomas of corresponding rank issued by the State Board of Education.

3. The State Board of Education is authorized to accept credits and certificates and diplomas of other institutions of learning as meeting in whole or in part the requirements for teachers' certificates and diplomas, if the work of such institutions of learning is found upon inspection to conform to standards fixed by the State Board of Education.

4. The State Board of Education is authorized to issue certificates and diplomas to persons holding certificates and diplomas in other states, providing such certificates and diplomas are found to be of equal rank with those issued by this State, and providing further that applicants for diplomas shall have taught successfully at least five years, of which at least two years shall have been in Utah.

5. No certificate or diploma shall be in force if the holder allows five consecutive years to pass without following the pursuit of school teaching or supervising. Am'd '19, p. 272.

4510. Duties of State Board of Education. The State Board of Education is authorized to determine by examinations or otherwise the qualifications of applicants for certificates and diplomas; to prepare examination questions; to appoint representatives in the several districts of the State to conduct examinations; and to prescribe all necessary rules and regulations relative to the examinations. Am'd '01, p. 96; '19, p. 272.

4511. Assistants—compensation. The State Board of Education is authorized to appoint persons of eminent educational ability to assist in the preparation of examination questions and the grading of examination papers, and to fix the compensation for such persons, which shall be paid from the State district school fund upon vouchers approved by the State Board of Examiners. Am'd p. 272.

4512. Board may revoke diplomas for cause. The State Board of Education is authorized and required to revoke, for immoral or unprofessional conduct or evident unfitness for teaching, state diplomas and state certificates issued under the provisions of this chapter.

4513. Compensation and expenses of members of board.
Clerical assistance. A statement of actual and necessary traveling expenses of the members of said board, incurred in attending meetings of the board, must be certified to by the State

Superintendent of Public Instruction and be filed with the State Board of Examiners, who are empowered to allow or reject the same, in whole or in part, in the same manner as in the case of claims for which an appropriation has been made, and the state auditor shall draw his warrant on the state treasurer in favor of the person named therein for the amount allowed. The members of the said state board of education shall receive \$4 per day for time actually and necessarily spent in the performance of their duties; **provided**, that no member of the board receiving salary from the state or any subdivision thereof, or from any public institution, shall receive any such per diem. The board may engage necessary clerical assistance, the cost of which shall not exceed \$250 annually, and shall be certified to as provided above in this section.

4514. Chairman, Secretary, Directors, etc. The state superintendent of public instruction shall be chairman of the state board of education. Upon the recommendation of the state superintendent, the state board of education shall have authority to appoint a secretary of the Board, and such directors, supervisors, and assistants as are necessary in the administration and supervision of the public school system. The salaries of the secretary, and of directors, supervisors, and assistants shall be fixed by the state board of education, subject to the approval of the state board of examiners, and paid from such funds as may be provided by law. Am'd '21, Ch. 93.

4515. Concurrence of majority necessary. A concurrence of a majority of all the members shall be necessary to the validity of an act of the board.

4516. Meetings of board. The board shall meet at the call of the chairman, and at least twice each year.

CHAPTER 2.

STATE SUPERINTENDENT.

4517. Election of state superintendent. Qualifications, term, oath, and bond. Deputy. There shall be chosen by the qualified electors of the state at the regular state election in the year 1900, and every four years thereafter, a superintendent of public instruction, hereinafter called the state superintendent, who, at the time of his election, shall be a qualified elector, shall have been a resident citizen of the state of Utah for five years next preceding his election, shall have attained the age of thirty years, shall be the holder of a state certificate of the highest grade issued in some state, or shall be a graduate of some reputable university, college, or normal school. He shall reside and hold his office at the seat of

government for the term of four years from the first Monday in January following his election, and until his successor is elected and qualified. Before entering upon his duties, he shall take the oath of office and give a bond in the penal sum of \$5,000, with not less than two sureties, to be approved, recorded, and filed as provided by law. The state superintendent shall have power to appoint a deputy, who may represent him at teachers' institutes when other business prevents his being in attendance. The actual and necessary traveling expenses of such deputy shall be paid out of the school fund upon proper vouchers for the same being filed with the state board of examiners. Am'd '01, p. 46; '07, p. 39.

Election, qualifications, term, duties,
compensation, Con. art. 7.
Superintendent a member of the state

board, Con. art. 10, sec. 8.
May appoint a deputy, powers, etc.,

4518. State superintendent charged with administration of school system. Apportionment of money. The state superintendent shall be charged with the administration of the system of public instruction and the general superintendence of the business relating to district schools of the state, and of the school revenue set apart and appropriated for their support, and shall have full power to investigate all matters pertaining to the public schools. It shall be the duty of the state auditor to notify the superintendent of the actual amount of money in the state treasury to the credit of the state district school fund on the 31st day of October and December, and on the 31st day of March of each year. Within ten days after receiving such notification, the superintendent shall apportion said fund among the several counties and cities of the first and second classes in the state under the provisions of this chapter, according to the number of persons between the ages of six and eighteen years residing in such county or city, as shown by the last school census lists of the several counties and cities; and immediately furnish to each county treasurer, to each treasurer of the board of education in cities of the first and second classes, and to the county superintendents, an abstract of such apportionments. He shall also certify such apportionment to the state auditor, and, upon receiving such certificate, the auditor shall forthwith draw his warrant on the state treasurer in favor of the county treasurer of each county, or the treasurer of each city board of education, as the case may be, for the amount due said county or board; **provided, that:**

1. No apportionment shall be made to any county or city until all the reports for the year next preceding, as required by law, have been received from such county or city by the state superintendent;

2. If any district or districts in any county have failed to maintain school for twenty weeks during the year next preceeding that in which the apportionment is made, the number of children of school age in such district or districts shall be subtracted from the total school population of the state, and from the school population of the county in which such district or districts are located before making the apportionment; **provided**, that when the failure to maintain school in such district or districts the required length of time is due to quarantine, fire, flood, or other like uncontrollable cause, such failure shall not affect the basis upon which the apportionment is made. Am'd '07, p. 42.

Public school fund, Con. art. 10, sec. 3	Apportionment by county auditor, §§
Annual levy of state school tax, §	1560-1562.
5998.	School money paid on order, § 4564.
County superintendent to apportion	State auditor to report to § 5717.
school fund, § 4565.	

4519. Seal of state superintendent. Register and forms and regulations for reports. Opinions. Visiting schools, etc. The superintendent shall provide and keep a seal by which his official acts and copies of all papers and documents filed in his office may be authenticated, and when so authenticated said copies shall be received as evidence in all courts of this state equally with, and in like manner as the original. He shall prepare and transmit to the proper officers suitable forms and regulations for making all reports, with the necessary blanks therefor, also school registers, and all necessary instructions for the organization and government of district schools, and the conducting of all necessary proceedings under this title. He shall print and circulate a summary of his opinions and rulings. The cost of such blank forms, school registers, and for the printing of the summary of his opinions and rulings shall be paid out of the state school fund, and the vouchers therefor shall be certified to by the superintendent, and filed with the state board of examiners, who are empowered to allow or reject the same, in whole or in part, in the same manner as in the case of claims for which an appropriation has been made, and the state auditor shall draw his warrant on the state treasurer for the amount allowed in favor of the person to whom said amount is due. He shall visit at least once a year in each county in the state the principal schools and district school boards. He may examine the state auditor's books and records relative to school revenue, and those of other public officials relating to school accounts. He shall meet with school officers, advise with teachers, and lecture to institutes and public assemblies upon topics calculated to promote the interests of education.

4520. State superintendent to advise with school officers. Effect of his decisions. He shall advise with county superintendents and with school boards and other school officers

upon all matters involving the welfare of the schools. He shall, when requested by superintendents or other school officers, give them written answers to all questions concerning the school law. His decisions shall be held to be correct and final until set aside by a court of competent jurisdiction or by subsequent legislation.

4521. Biennial report of state superintendent. On or before the 1st day of January preceeding each biennial session of the legislature, the state superintendent shall present to the governor a report of his administration of the system of public instruction. There shall be printed at least 1,000 copies of his report and laws relating to the schools, which shall be distributed under his direction. The superintendent in his report shall furnish a brief exhibit:

1. Of his labors, results of his experience and observations as to the operation of the public school system, and suggestions as to the remedy for imperfections;

2. Of the amount of school revenue and its general condition as to sufficiency or insufficiency;

3. Of such plans as he may have matured for the better organization of the schools, and for the increase and economical expenditure of the school revenue;

4. A full statement of the condition and amount of all funds and property appropriated for educational purposes; the number and grade of schools in each county, and in each city of the first and of the second class, the number of children between the ages of six and eighteen years in each county and in each city of the first and of the second class, with the number of such attending district schools, the average number of children that have attended district schools during the two years previous to July 1st of that year, the number that can read and write, the amount of school money raised by county taxation or otherwise, the amount expended for salaries of teachers and for building schoolhouses;

5. A comparison of the results of the two years then closing with those of the two years preceeding, indicating the progress of public instruction, and, as far as can be ascertained, the number and condition of private schools, academies, and colleges in the state. Am'd '05, p. 88.

4522. Id. He shall append to his report such information relative to the system of public instruction, the schools, their annual revenues, and such other matters as he may deem proper. He shall include in his report statistical tables compiled from information transmitted to his office, with summaries, averages, and totals appended thereto; also a

statement of the annual collection of school revenue, and his apportionment thereof: and when he deems it of sufficient interest, he shall append extracts from the correspondence of school officers, showing either the salutary or defective operation of the system. He shall furnish the United States commissioner of education at Washington such information as that officer may require.

4523. Quarterly expense account of state superintendent. Books, etc., to successor. At the end of each month he shall file with the state board of examiners an itemized account of his expenses, verified by his oath. The said board shall examine the same, and, if the account is found to be correct and the expenditures necessary, shall certify the same to the state auditor, who shall issue a warrant to the state treasurer for the amount due on such account, and at the end of each quarter year, for one-fourth of the superintendent's annual salary, and shall charge the same to the state district school fund. At the expiration of his term of office, he shall deliver to his successor all books, records, documents, maps, reports, papers, and other articles pertaining to his office. Am'd '01, p. 18.

4524. State superintendent may call convention of county and city superintendents. The state superintendent shall have power to call annually a convention of the county and city superintendents, to assemble at such time and place as he shall deem most convenient, for the discussion of questions pertaining to the supervision and administration of public schools, the laws relating thereto, and such other subjects affecting the welfare and interest of the public schools as shall properly be brought before it. It is hereby made the duty of all county and city superintendents to attend such conventions when called. The actual traveling expenses of county superintendents for attending such conventions shall be allowed by the board of county commissioners, and paid out of the same fund as the salaries of county superintendents. -The actual traveling expenses of city superintendents attending such conventions shall be allowed, and paid out of the same fund as salaries of city superintendents. Am'd '05, p. 89.

Superintendent may call text book convention, § 4556.

CHAPTER 4.

COURSES OF STUDY IN PUBLIC SCHOOLS.

4531. Course of study to be prescribed. Within thirty days after the adoption of text books, the state superintendent of public instruction, the principal of the state normal school, and five school superintendents to be appointed by the state

board of education, shall meet and prescribe a course of study for the schools of the state not included in cities of the first and the second class, and shall furnish free of cost to each county or school district, the number of courses of study ordered by the superintendent of schools. '07, p. 55; '13, p. 17.

4532. No compensation. Expenses. The committee shall serve without compensation; **provided**, that the actual and necessary expenses of the superintendents while attending meetings of the committee shall be paid out of the state superintendent's contingent fund. '07, p. 55; '13, p. 18.

4533. Habits of birds, etc., to be observed in schools. Bird day established. It shall be the duty of the board of education or school board of every school district within this state to cause to be observed in the schools the last Friday in April of each year as bird day, with appropriate lessons and exercises relating to the observation, the study, and the value of birds and other forms of animal life, particularly as aids in the extermination of insects, weeds, and other pests. '13, p. 93,

4534. Physiology and hygiene. It shall be the duty of all boards of education and trustees in charge of schools and educational institutions supported in whole or in part by public funds to make provisions for systematic and regular instruction in physiology and hygiene, including special reference to the effects of stimulants and narcotics upon the human system.

The foregoing and the succeeding section were in the body of chap. 78, laws of '15, declared repealed, but the re-

peal was not included in the title of the act.

4535. Sanitation and the cause and prevention of disease shall be taught. There shall be established in the normal schools of the state, and in the public schools, beginning with the eighth grade, a course of instruction upon the subjects of sanitation, and the cause and prevention of disease. It shall be the duty of the state board of education and the state board of health, acting conjointly, to prepare a course of study to carry out the provisions of this section. '07, p. 116.

Control of board of health, § 2755.

Compulsory vaccination unlawful, § 2763.

4544. Board may maintain kindergartens. Teachers. School boards may establish and maintain kindergartens in their several districts, open to children resident therein between the ages of four and six years. The cost thereof may be paid in whole or in part out of the school funds of the district. Kindergartens established under the provisions of this section shall be subject to the control of the school boards of the respective districts in which they are maintained. Teachers for said schools, unless holding a certificate of efficiency in kin-

dergarten work granted by the State Normal School, shall be required to sustain a special examination relating to the principles and practice of the kindergarten, such examination to be conducted under the direction of the state board of education.

Kindergarten schools part of public school system, Con. art. 10, sec. 2.

4545. Kindergartens provided for. Maintenance. All school districts of a population of 2,000 and upwards shall hereafter establish and maintain one or more kindergartens in said school district, open to children resident therein between the ages of four and six years. Said kindergartens must be established within four years after March 16, 1903. The cost of maintaining such kindergartens shall come out of the district school fund of the respective districts. '03, p. 139.

CHAPTER 5.

EXAMINATION OF SCHOOL CHILDREN FOR

DEFECTIVE SIGHT, ETC.

('11, p. 285.)

4546. Duty of teacher. It shall be the duty of every teacher engaged in teaching in the public schools of the state, separately and carefully, to test and examine every child under his jurisdiction to ascertain if such child is suffering from defective sight or hearing, or diseased teeth, or breathes through its mouth. If such test determines that any child has such defect, it shall be the duty of the teacher to notify, in writing, the parent of the child of such defect and explain to such parent the necessity of medical attendance for such child.

4547. State board of health to prescribe rules. The State board of health shall prescribe rules for making such tests, and shall furnish to boards of education and boards of trustees of school districts rules of instruction, test cards, blanks, and other useful appliances for the carrying out of the purposes of this chapter.

4548. When tests shall be made. During the first month of each school year, after the opening of school, teachers must make the tests required by this chapter upon the children then in attendance at school; and thereafter, as children enter school during the year, such tests must be made immediately upon their entrance.

4549. Duty of boards of education. It shall be the duty of the boards of education and boards of trustees of the several

school districts of the state to enforce the provisions of this chapter.

4550. May employ physicians. The board of education or board of trustees of any school district may employ regularly licensed physicians to make the tests required by § 4546, and when such tests are made by a physician, the teacher shall not be required to make the tests provided for in § 4546.

CHAPTER 6.

CIVIC CENTERS.

('17, p. 420.)

4551. Designation. Purpose. Proviso. There is hereby established a civic center at each and every public school house within the state of Utah, where the citizens of the respective school districts within the state of Utah may engage in supervised recreational activities, and where they may meet and discuss, from time to time, as they may desire, any and all subjects and questions which, in their judgment, may appertain to the educational, political, economic, artistic, and moral interests of the citizens of the respective communities in which they may reside: provided, that such use of said public schoolhouses and grounds for said meetings shall in no wise interfere with such use and occupancy of said public schoolhouses and grounds as is now or hereafter may be required for the purposes of said public schools of the state of Utah.

4552 Payment of incidental expenses provided. Lighting, heating, janitor service, and the services of a special supervising officer when needed, in connection with such use of public school buildings and grounds, as set forth in § 4551, shall be provided for out of the county or special school funds of the respective school districts in the same manner and by the same authority as such similar services are now provided for. Such use of the said schoolhouses, property and grounds shall be granted free; **provided**, that in case of entertainments where an admission fee is charged, a charge may be made for the use of said schoolhouses, property, and grounds.

4553. Management. Rules. Supervisor. The management, direction, and control of said civic center shall be vested in the board of directors of the school district. Said board of directors shall make all needful rules and regulations for conducting said civic center meetings and for such recreational activities as are provided for in § 4551; and said board of directors may appoint a special supervising officer who shall

have charge of the grounds, preserve order, protect the school property, and do all things necessary in the capacity of a peace officer to carry out the provisions and the intents and purposes of this chapter.

4554. Use of schoolhouses subject to discretion of directors. The provisions of this chapter shall not be mandatory upon the board of directors of any school district, in respect to their authority and right to exercise discretionary powers as to refusal of the use of such schoolhouse for any such purpose or purposes; but whenever, in their judgment, it seems inadvisable to permit the use of such schoolhouse for the purpose requested, the board shall have the power and authority to refuse the use of such schoolhouse for any of the purposes mentioned in this chapter.

CHAPTER 7.

TEXT BOOKS.

4555. Commission created. Duties. No compensation. Expenses. A state textbook commission is hereby created and established to consist of the state superintendent of public instruction, the president of the University of Utah, the president of the Agricultural College of Utah, the dean of the state normal school, and five resident citizens of the state to be appointed by the governor, three of whom shall be superintendents of schools. In 1921 the governor shall appoint two members of the commission for a term of two years and three members for a term of four years; and thereafter appointments shall be for a term of four years. Appointments to fill vacancies shall be for unexpired terms. Each commissioner shall serve without compensation, but his actual and necessary expenses incurred in the performance of his official duties, the account of which shall be verified on oath, shall be paid out of the public school fund. The members of this commission, or a majority of them, shall decide what textbooks shall be adopted for use in the district schools and the high schools of the state, except in cities of the first and the second class, and their use shall be mandatory in all district and high schools of the state, except in cities of the first and the second class. Am'd '09, p. 76; '13, p. 43; '21, Ch. 98.

4556. Meetings of commission. Term of textbook adoptions. The state superintendent shall call a meeting of the textbook commission at least three months prior to the expiration of any contract regulating the supply and use of textbooks in the district schools and the high schools throughout the state, except in cities of the first and the second class, and

shall give at least sixty days' notice of the time of holding such meeting by publication in a newspaper having general circulation in the state. Such notice shall state the subjects upon which textbooks shall be adopted and that sealed proposals will be received by the state superintendent for furnishing such books, the place where and the day and hour when all proposals will be opened, and that the textbook commission reserves the right to reject any and all proposals. A regular meeting shall be called for the adoption of textbooks every two years as herein provided. At the meeting of the commission occurring in 1923, approximately one-third of the textbooks adopted shall be for a period of four years, approximately one-third for a period of six years, and the remainder for a period of eight years. Thereafter adoptions shall be for a period of six years, approximately one-third of the text-books in use to be selected at such regular meeting of the commission. Any textbook found unsatisfactory can be changed at any regular meeting of the commission. Am'd '03, p. 6; '09, p. 76; '13, p. 43; '21, Ch. 98.

4557. Proposals for text books and awards. At the time and place specified in said notice, the convention shall meet and publicly open and read all the proposals which have been received, and shall make their awards therein within thirty days thereafter.

The failure to literally comply with the provisions of this section is immaterial. Tanner v. Nelson, 25 U. 226; 70 P. 984.

4558. Samples and prices. Sealed proposals must be accompanied by sample copies of the books proposed to be furnished, together with a statement of the introductory or exchange price, and of the wholesale and retail prices at which the publishers agree to furnish each book within the state during the full time for which said books may be adopted.

4559. When proposals are unsatisfactory. If no satisfactory proposals are received, the state superintendent of public instruction may advertise anew, and the books in use shall be continued in use until satisfactory proposals shall have been received and accepted. Am'd '03, p. 6.

4560. Publishers to enter into contract. The publisher or publishers whose proposals shall be accepted must enter into a written contract with the state superintendent of schools, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the convention, for the faithful performance of such contract.

Objection that convention failed to fix the amount of the bonds not sustainable. Tanner v. Nelson, 25 U. 226; 70 P. 984.

4561. School officer or teacher not to act as agent. No school officer or teacher in any district school in this state shall

act as agent for any author, publisher, bookseller, or other person to introduce any book, apparatus, furniture, or any article whatever in any district in which such school officer or teacher is officially engaged.

4562. Receiving money or bonus from publisher. Penalty. If any member of the state text book commission shall receive from the publisher of any school books or from any other person interested in the sale or introduction of any books, maps, charts, or other school supplies into the public schools in the state, any money or bonus in any manner as an inducement for the recommendation or introduction of any such school book in the schools of the state, such person shall be guilty of a misdemeanor. '09, p. 76.

4563. Failure to enforce use of books adopted. Penalty. If the trustees of any district shall refuse or neglect to enforce the use of text books adopted by the convention, such refusal or neglect shall be a misdemeanor on the part of any trustee so refusing or neglecting, and shall be punishable by a fine not exceeding \$100 and by removal from office.

CHAPTER 8.

SCHOOL TAXES AND FUNDS.

4564. State treasurer to receive and pay over school fund. The state treasurer shall receive and hold as a special fund all public school moneys paid into the state treasury, and pay them over on a warrant of the state auditor, issued upon the order of the state superintendent of public instruction in favor of the county treasurer of each county for the amount due said county, and in favor of the treasurer of each board of education for the amount due such board.

State auditor to report, § 5717.

State tax for district schools, § 5998.

4565. Apportionment and use of school funds. The county superintendent of each county shall, immediately upon receiving the apportionment from the state superintendent, proceed to apportion the state school funds to the several school districts of his county according to the number of school children residing in each district over six and under eighteen years of age, as shall appear from the last enumeration reported to his office. The county superintendent shall apportion the county school funds in like manner, and as soon as practicable after the receipt of the same or any portion thereof: **provided**, that before making such apportionment he shall apportion to cities of the first and of the second class and to county school districts of the first

class their proportion per capita of the county school fund, after which he shall set aside so much of said county fund as the board of county commissioners shall order for the payment of the compensation of the county superintendent, members of the board of examiners, and the expenses of the county institute, and contingent expenses of the county superintendent's office, and the actual and necessary traveling expenses of the county superintendent while making his official visits, but all warrants drawn by the county superintendent for the disbursement of the fund so set aside shall be approved by the board of county commissioners; provided, further, that no part of either of said funds shall be used otherwise than for the payment of teachers, except as provided otherwise in this section. The county superintendent shall file a duplicate of such apportionment with the county auditor. Am'd '01, p. 43; '09, p. 24.

Apportionment by county auditor, §§ 1560-1562.

State superintendent to apportion school fund, § 4518.

The collection of the county school tax within Salt Lake City and the subtraction of a certain sum therefrom for county school purposes before the fund

is distributed, under certain provisions added to the revenue act of 1896 on pp. 489 and 497, are in violation of Con. art. 10, sec. 6, and such provisions, being in conflict therewith, are invalid.

Merrill v. Spencer, 14 U. 273; 46 P. 1096.]

4575. State levy for high school purposes. Limit. The state board of equalization is hereby authorized and directed to levy annually, a state tax of not more than two-tenths of one mill on each dollar of valuation of the taxable property in the state, for high school purposes; and the levy and collection of said tax must be performed in the same manner and at the same time as other taxes are levied and collected, and shall be apportioned to the several cities and school districts maintaining high schools as provided by law. Am'd '15, p. 198.

4576. Board of education to be notified. On the first Monday in October of each year, the board of education or school board of any city or school district in which a high school is established shall notify in writing the state board of education of the establishment of such high school and the intention of such city or district to claim the benefits of the high school fund.

4577. Standard to be fixed. The state board of education shall by rule fix the standard upon which, and the period during the year that, high schools in this state shall be maintained in order to obtain any part of the high school fund. Such rule shall be fixed on or before the 1st day of May, 1911; and thereafter if such rule be amended, the amendment shall take effect on the 1st day of July at least one year after the date of its adoption. A copy of such rule or amendment shall be furnished to each city or district establishing high schools immediately after its adoption.

4578. Report of attendance to state board of education.

On the last Monday of January of each year the board of education or board of the city or district in which a high school is established and maintained shall report to the state board of education the actual number of students enrolled in such high school, and an estimate of the number of students who will attend such high school for a period of at least twenty weeks during the current school year; which report must be approved by the president or chairman and the clerk of the board. On the second Monday in June of each year the board of education, or board of city or district in which a high school is established and maintained, shall report to the state board of education the actual number of students enrolled who have been in actual attendance in such high school for a period of at least twenty weeks, together with the daily average attendance of the students so enrolled during such school year; which report must be verified under oath by the president or chairman and the clerk of the board. Such report shall also give such additional information as the state board of education may require in order to enable it to determine the standard of the school. Am'd '15, p. 189.

4579. State auditor to report amount of funds on hand.

On the last Monday in January and on the second Monday in June of each year the state auditor shall report to the state board of education the amount then on hand in the state high school fund. Am'd '15, p. 189.

4580. Apportionment, how computed. Disbursement.

Upon receipt of the January reports mentioned in § 4578, and upon receipt of the January report of the state auditor as provided in the next preceding section, the state board of education shall apportion to the several cities and school districts maintaining high schools of the standard fixed by the state board of education, 70 per cent of the amount of money then on hand in the state high school fund as shown by the auditor's report; such apportionment shall be made according to the estimated number of students who will be in attendance at each high school during a period of at least twenty weeks, as shown by the January report of the board of education or board of the city or district required to be made by § 4578. The state board of education shall immediately furnish to the treasurer of each school board in cities or districts where any such school is maintained an abstract of such apportionment. The state board of education shall also certify such apportionment to the state auditor, and upon receiving such certificate the state auditor shall forthwith draw his warrant on the state treasurer in favor of the treasurer of the school board for the amount to which said city or district is entitled under such apportionment. Upon receipt of the June re-

ports mentioned in § 4578, and upon receipt of the June report of the state auditor as required in the next preceding section, the state board of education shall make a final apportionment of the amount on hand in the state high school fund, as shown by the auditor's report, to the several cities and school districts maintaining high schools for the required period of time and of the standard fixed by the state board of education. In making such final apportionment the state board of education shall determine the total amount of funds to which each high school is entitled for the entire school year as shown by the number of students who have attended such high school for a period of at least twenty weeks as shown by the June report of the board of education or board of the city district required in § 4578. The state board of education shall then subtract from the total amount to which each school is entitled the amount such school has already received, and it shall thereupon apportion the balance to such school. The state board of education shall immediately furnish to the treasurer of each school board in cities or districts where any such school is maintained an abstract of such final apportionment. The state board of education shall thereupon certify such final apportionment to the state auditor, and upon receiving such certificate the state auditor shall forthwith draw his warrant on the state treasurer in favor of the treasurer of the school board for the amount to which the said city or district is entitled under such final apportionment. '15, p. 189.

4581. High schools to be inspected. The state superintendent of public instruction shall cause all high schools claiming any benefit from the high school fund, to be inspected at least once during each school year. Am'd '21. Ch.

4582. Expense of inspection to be paid from high school fund. The compensation and traveling expenses of a person making such inspection shall be fixed by the state board of education, subject to the approval of the state board of examiners, and shall be paid out of the state high school fund upon claims properly verified by the state board of education and approved by the state board of examiners. Am'd '21. Ch.

4586. Trustees may levy tax to pay judgment obtained for taxes illegally collected. When any judgment is obtained in a court of competent jurisdiction against a school district for taxes unlawfully collected for and received by such school district, or when there are no funds for the payment of warrants issued by the trustees of any school district to refund taxes unlawfully collected for and received by such school district, the trustees of any such school district shall, in addition to all other taxes which they are empowered to levy, order to

be raised upon the taxable property in such school district a sufficient amount of revenue to pay such judgment and warrants. '01, p. 132.

CHAPTER. 9.

CREATING INDEBTEDNESS.

4590. Boards of Education—powers to borrow money—limitations of debt—vote of qualified electors. The board of education of any county school district of the first class, or the board of education of any city of the first class, or the board of education of any city of the second class may borrow money, issuing therefor negotiable notes or bonds, or otherwise create indebtedness for the maintenance of the schools within such district or city not in excess of the taxes for the current school year; and any such board of education may borrow money issuing therefor negotiable notes or bonds, or otherwise create indebtedness for the purpose of purchasing school sites and erecting school buildings not in excess of any tax that may have been lawfully authorized or imposed for such purposes, and prior to the collection thereof; but no debt in excess of the school taxes for the current year shall be created by the board of education of any county school district of the first class, or by the board of education of any city of the first class, or by the board of education of any city of the second class in this state, unless the proposition to create such debt shall have been submitted to a vote of such qualified electors as shall have paid a property tax therein during the twelve calendar months next preceeding such election, and a majority of those voting thereon shall have voted in favor of incurring such debt. Am'd '19, p. 277.

4591. Additional indebtedness to maintain schools, how authorized. Whenever debts equal to the school taxes for the current year shall have been created by any school district in this state, or by the board of education of any city of the first or of the second class in this state, thereby rendering it necessary to create and incur additional indebtedness in order to maintain and support the schools of any such school district, or the schools controlled by any such board of education, for the current year or any part thereof, then the trustees of any such school district, or any such board of education, as the case may be, may cause the proposition to incur and create such additional indebtedness to be submitted to a vote of such qualified electors as shall have paid a property tax in any such school district, or city in the year preceeding such election.

City school bonds, election, § 4708. For election procedure, see § 4628.

4592. Id. Election in city, how called. Notice. Judges.

The election provided for in the preceding section, when held in a city of the first or of the second class, shall be called by publishing a notice, signed by the president and clerk of the board of education, in a newspaper published in the city, for not less than ten days, and by posting said notice at the polling places in each municipal ward of the city for the same length of time next preceding said election. The board of education, before any notice is published or posted, shall appoint three electors in each municipal ward to conduct the elections herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof to the board, as herein provided. Such notice shall specify:

1. The time and place of holding such election;
2. The names of the judges at each polling place to conduct such election;
3. The hours during which the polls shall remain open;
4. The amount of indebtedness which the board proposes to incur or create, and for what purposes.

4593. Id. In other districts. The election provided for in § 4591, when held in any school district other than a city of the first or of the second class, shall be called by publishing a notice, signed by the chairman and clerk of the board of trustees of such district, in a newspaper published in the county in which such district is situated, for not less than ten days, and by posting such notice in three conspicuous places in the district for the same length of time preceding said election; if no newspaper be published in said county, then by such posting of notices only. The board of trustees of such district, before any notice is published or posted, shall appoint three electors to conduct the elections herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof to the board as herein provided. Such notice shall specify:

1. The time and place of holding such election;
2. The names of the judges of election to conduct such election;
3. The hours during which the polls shall remain open;
4. The amount of indebtedness which the board proposes to incur or create, and for what purposes.

4594. Ballot. The ballot used at such election shall be furnished by the board of education or by the trustees, as the case may be, and shall express upon its face the proposi-

tions which the board, or the trustees, desire to submit to the taxpayers.

4595. Who entitled to vote at such election. Challenges. Every registered voter residing in any ward of any city, or residing in any school district in which an election is held for the purpose of determining the question of creating and incurring additional indebtedness in such district or city, and which voter shall have paid a property tax in such district or city in the year preceding such election, shall be entitled to vote at any such election. Challenges for cause by any qualified voter shall be allowed on such election, and promptly decided by the judges conducting the same.

4596. Canvass of vote. Result. Immediately after the closing of the polls, the persons appointed to conduct the election shall proceed to count and canvass the ballots cast at such election and make returns thereof to the board of education, and said board of education shall within five days after such election, meet and canvass said returns, and if a majority of the ballots cast at such election are in favor of incurring and creating such additional indebtedness, then the board of education shall cause an entry of that fact to be made upon the minutes of the board; and thereupon said board of education shall be authorized and directed to borrow money to incur and create such additional indebtedness as shall be necessary to support and maintain the schools of any such school district or the schools controlled by any such board of education, for the current year or any part thereof, to the amount mentioned in the notice calling the election, at such rate of interest as may be agreed upon, issuing the negotiable notes or bonds of said district therefor, which notes or bonds shall be payable within five years after their date; and a tax shall be levied and collected upon all of the taxable property within said district sufficient in amount to pay off and discharge said indebtedness both principal and interest when the same shall become due. Any board of education within this state may issue negotiable notes or bonds of the district, as herein provided, to evidence any indebtedness authorized to be incurred at an election heretofore held under the provisions of this chapter; and all proceedings and elections heretofore held under the provisions of this chapter to authorize the incurring of indebtedness, and all notes and bonds heretofore issued by any school district to evidence such indebtedness, are hereby validated and confirmed; provided, however, that where provision has not been made for the payment of such indebtedness, a tax shall be levied and collected upon all taxable property within the district sufficient to pay and discharge such indebtedness, both principal and interest, when the same become due.

Am'd '21, Ch. 100.

CHAPTER 10.

COUNTY SCHOOL DISTRICTS OF THE FIRST CLASS.

4597. How county school districts of the first class are constituted. Each county within the state shall constitute a county school district of the first class; provided that existing county school districts of the first class shall continue as such county school districts of the first class. Upon the creation of any county school district of the first class through the formation of a new county or through any other cause, the county commissioners of the county in which such district is located shall within sixty days after the creation of such district designate the name by which such district shall be known and shall divide such district into five representative precincts in the manner set forth in Section 4599, and shall appoint a member of the board of education from each representative precinct to serve on the district board of education until his successor shall be duly elected and shall have qualified: provided, that in case a city school district shall be made a county school district of the first class, the members of the board of education of such city school district shall become members of the board of education of the county school district and serve during the terms for which they have been elected. If through the change of a county boundary line or through any other cause, one or more school representative precincts are taken from a county school district of the first class, the county commissioners in the county in which such district is located shall, within sixty days after such change, divide such county school district into five school representative precincts according to the manner set forth in Section 4599. Am'd '11, p. 267; '13, p. 184; '15, p. 98; '21, Ch. 101.

4598. Schools therein to be free. Under direction of board. In each district, subject to the provisions of this chapter, the public schools shall be free to all children between the ages of six and eighteen years. All public schools and school property therein shall be under the direction and control of the board of education. '05, p. 129.

4599. Board of education, how constituted. School precincts. The board of education of each county school district of the first class shall consist of five members, one member to be elected from and by each of said precincts. The board of county commissioners in which such county school district is located shall, during the month of October, 1921, and every ten years thereafter, divide the district into five representative school precincts, and thereafter members of the board of education shall be elected in accordance with such redistricting. If by reason of such redistricting the boundary

lines of any representative precinct are so changed that the member of the board from such precinct becomes a non-resident thereof, then and in that event such member shall be permitted to retain his membership during the term for which he was elected. Am'd '13, p. 184; '15, p. 99; '21, Ch. 101.

4600. Members of board, how elected. Must qualify.

There shall be elected in the county school districts of the first class, on the first Wednesday in December, 1908, one member of the board from each odd numbered school representative precinct or district for a term of two years, and at the same time one member of the board from each even numbered school representative precinct or district for a term of four years. On the first Wednesday in December, 1910, and every four years thereafter, there shall be elected one member of the board from each odd numbered school representative precinct or district for a term of four years, and on the first Wednesday in December, 1912, and every four years thereafter, one member of the board from each even numbered school representative precinct or district for a term of four years. Where any county school district of the first class exists or may be created, the board of county commissioners shall appoint the members of the board of education, to serve until the next election provided for in this section, and until their successors are duly elected and qualified; **provided**, that where there have been designated three trustees for the entire district, each one being from a school representative precinct, then these are constituted members of the board of education until the next election, and the board of county commissioners shall appoint two other members, one from each unrepresented representative precinct; but where two or more trustees are from one school representative precinct, the board of county commissioners shall designate the member of the board of education. Members of the board of education in a county school district of the first class shall qualify by taking and subscribing the constitutional oath of office, and giving bonds to the district in which they reside in such sum and with such sureties as the board of county commissioners may require and approve, conditioned for the faithful discharge of the duties of their office, the oath of office and bonds to be filed with the county clerk. '05, p. 130; '07, p. 142.

4601. Must qualify, when. Members of the board of education shall qualify previous to, and take their seats at, the first regular meeting in January next after their election, and shall serve until their successors are duly elected and qualified. '05, p. 130.

4602. Elections—conduct—candidates—powers of boards. Elections for members of the board shall be called and conducted, and the canvass of returns shall be made, and the qualifi-

election of electors shall be as provided in the general registration and election laws, except as in this Section hereinafter provided. There must be at least one voting place in each school representative precinct. It shall be necessary for each candidate, or at least five citizens in behalf of the candidate, to file with the clerk of the board of education not less than fifteen days next preceding the day of election, a signed statement announcing that he or she is a candidate, and said clerk shall immediately thereafter furnish a list of said candidates to any citizen who may call upon him for the same. Appointments of judges of election shall be made by the board of education at any convenient time prior to the day of election. The board of education shall furnish the judges of election at every polling place with a sufficient number of official ballots for election purposes and shall pay all other lawful and necessary expenses of the election. The election shall in all other respects be conducted in accordance with the general election laws of the state. The board of education shall exercise all such powers relative to school elections in their respective districts as are conferred upon the board of county commissioners in other elections, so far as conformable with this chapter. '05, p. 130; '19, Ch. 89; '21, Ch.

4603. Qualification of members of Boards—vacancies.

Every member of the board of education in county school districts of the first class shall be and remain a resident, qualified, registered voter in the school representative precinct from which he is elected or appointed; and the board of education is hereby required to fill any vacancy that may occur through non-residence or any other cause, until the next election of a member of the board in the precinct where such vacancy has occurred. '05, p. 131; '11, p. 267; '19, p. 278.

4604. Board must organize. The members appointed or elected as herein provided shall, before entering upon the discharge of their duties, take and subscribe the constitutional oath of office. They shall organize by electing from their number a president and vice-president, whose term of office shall be for two years, and until their successors are elected and qualified. They shall also elect a clerk and a treasurer, who shall be registered voters in the school district, and whose respective terms of office shall be two years, and until their successors are elected and qualified. '05, p. 131.

4605. Officer may be removed by two-thirds vote. Any officer appointed or elected by the board of education for a specified term, as provided in the next preceding section, may be removed from his office for cause by a vote of two-thirds of the board. '05, p. 131.

4606. Board may appoint other officers. The board of education shall have power to appoint all other officers that in its judgment may be necessary fully to carry out the provisions of this chapter, for the protection and improvement of school property, and for the promotion of the interests of the schools, and remove the same at pleasure, and may require any such officer to give a bond to the board in such sum as it may prescribe. The oath of office and bond of the clerk shall be filed with the treasurer, and all others shall be filed with the clerk. '05, p. 131.

4607. Superintendent of schools to be elected. Term. Duties. At the first meeting of the board in June, 1911, and biennially thereafter, a superintendent of schools shall be elected by the board, who at least shall be the holder of a life diploma of grammar school grade and who shall subscribe the constitutional oath of office, and shall enter upon his duties on the 1st day of July thereafter. His term of office shall be two years, and until his successor shall be elected and qualified; provided, that until the date herein stated, the county superintendents of schools shall, as such officers, perform the duties of superintendent of schools in its county school districts of the first class situated in the county of which he is school superintendent. Said superintendent shall attend the convention of school superintendents provided for in § 4524. '05, p. 132; '11, p. 267-8.

4608. School year. Reports to board. Reports to state superintendent. The school year shall commence on the first day of July annually, and close on the last day of June following. The annual reports of the president, the superintendent, and the several committees shall be presented to the board at or before the first regular meeting in August of each year; and the financial and statistical reports of the board for the past school year, containing such items as shall be required by law or by the state superintendent, shall be forwarded to the state superintendent on or before August 15th of each year. Am'd '21, Ch. 103.

4609. Compensation of members of board. The members of the board of education shall fix the compensation to be received for their services, at a sum not to exceed \$300 each per annum, and traveling expenses, not to exceed \$100 each per annum; provided, that the compensation of members of the board appointed prior to any election of members as named herein shall be fixed by the board of county commissioners. '05, p. 132; '07, p. 40.

4610. Annual school census. Ages of persons enumerated. The board of education shall appoint suitable persons

for each school representative precinct, who shall act as enumerators for school population for said precinct, and visit every house therein between the 15th and 31st of October of each year, and ascertain and enter upon the lists the name of every person residing in such precinct who on October 31st of that year shall have reached the age of six and shall not have reached the age of eighteen. Provided, that all children between said ages attending other than the district or public high schools outside the district in which they reside, shall be enumerated in their home district. Such enumeration lists shall contain all information required by law, and such other information as the state superintendent or the board of education may require. Am'd '21, Ch. 103.

4611. School census report to state superintendent. The enumeration lists shall be filed with the clerk of the board as soon as completed, and not later than the 10th day of November. Immediately thereafter the clerk of the board shall make out and forward to the state superintendent a statement showing the number of school age residing in the district, together with all other information obtained under the provisions of the next preceding section that may be required by the state superintendent. Am'd '21, Ch. 103.

4612. Duties of president of board. It shall be the duty of the president to preside at all meetings of the board, to appoint all committees, and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys. In case of the absence or disability of the president, his duties shall be performed by the vice-president. Am'd '05, p. 133.

4613. Clerk of board must qualify. Before entering upon the discharge of his duties, the clerk shall give a bond to the board of education of such school district in such sum as said board may prescribe, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of his duties, and shall qualify according to law. '05, p. 133.

4614. Duties of clerk of board. It shall be the duty of the clerk to attend all meetings of the board; to keep an accurate journal of its proceedings, and have the care and custody of the seal, records, and papers not otherwise provided for; to countersign all warrants drawn upon the treasurer by order of the board; to keep an accurate account of all moneys paid to the treasurer on account of said board and from what source received, and all moneys paid on orders drawn on the treasurer by order of said board; and to prepare and submit to the board an annual statement, under oath, of the receipts and disbursements during the year ending June 30th, which

statement the board shall cause to be published in a newspaper having general circulation in the county, showing:

1. The amount on hand at the date of the last report;
2. The amount of sinking fund, and how invested;
3. The moneys paid out, to whom, and for what paid;
4. The balance of school moneys on hand;
5. The number, date, and amount on every bond issued and redeemed under the authority herein given, and the amount received and paid therefor.

The clerk shall perform such other duties as the board and its committees may require. He shall receive for his services such compensation as the board may determine. '05, p. 133.

4615. Treasurer of board must qualify. Duties. The treasurer of the board of education shall subscribe to the constitutional oath of office, and give a bond to the board with sufficient sureties and in such sum as the board may require; said oath and bond to be approved by the board and filed with its clerk. He shall be the custodian of all moneys belonging to the corporation and be responsible upon his bond for all moneys received by him as treasurer. He shall prepare and submit in writing a monthly report of the receipts and disbursements of his office, and pay out school moneys only upon a warrant signed by the president, or, in his absence or disability, by the vice-president, countersigned by the clerk, and shall perform such other duties as the board may require. The treasurer shall receive for his services such amount as the board of education may fix and determine. The board may require the treasurer to keep his office and records in the office of the board. '05, p. 134.

Premium on bond paid, § 4500.
Funds to draw interest and how deposited, §4500.

4616. Board a body corporate. Members of board and clerk may administer oaths. The board of education of any such county school district of the first class shall be a body corporate under the name of "The Board of Education of..... School District" (inserting the proper name), and shall have an official seal conformable to such name, which shall be used by the clerk in the authentication of all matters requiring it. Said board, in the name aforesaid, may sue and be sued; may take, hold, lease, sell, and convey real and personal property, as the interests of the school may require. The members of the board and the clerk thereof shall have the power and authority to administer oaths in proof of claims against said corporation, and no claim or account, except salaries of teachers and janitors, shall be audited or allowed by the board of

education unless the correctness of the same shall be verified under oath. '05, p. 134.

4617. Powers of board. The board of education shall have the power and authority to purchase and sell schoolhouse sites and improvements thereon; to construct and erect school buildings and to furnish the same; to establish, locate, and maintain kindergarten schools, common schools, consisting of primary and grammar grades, high schools, and industrial or manual training schools; to establish and support school libraries; to purchase, exchange, repair, and improve the high school apparatus, books, furniture, fixtures, and all other school supplies in said schools. It shall supply and loan to pupils in the several grades and departments of said schools, except the high school, free of charge, all text books and supplies used by the pupils of said schools; it shall have the power to sell to pupils in the several grades and departments of said schools, at cost, all text books and supplies used by the pupils of said schools to collect all books and apparatus loaned to the pupils of the public schools of any such school district of the first class, or damages for the loss, injury, or destruction of the same; to assign to the State Normal School, for the purpose of illustrating instruction in the practice school connected therewith, a sufficient number of pupils of appropriate grades, and reimburse the State University or State Normal School for the instruction of such pupils at rates per pupil not exceeding the average cost of instruction per pupil in the public schools of the district as ascertained for each year; to do all things needful for the maintenance, prosperity, and success of the schools, and the promotion of education; to adopt by-laws and rules for the procedure of the board of education, and make and enforce all needful rules and regulations for the control and management of the public schools of the district. '05, p. 134.

Duties in order to participate in state high school fund, §§ 4575-4582.

May employ physician, § 4550.

School houses as civic centers, §§ 4551-4554.

Issue employment permits for child-

ren, §§ 1860, 1869.

The board has a discretion in determining where school shall be held and in regulating such matters.

Bishop v. Morehouse, 38 U. 234: 112 P. 169.

4617x. Petition of taxpayers—establishment of school—conditions. Whenever a majority of the taxpayers of any voting precinct or precincts having a school population of not less than 1200, within any county school district of the first class shall petition the Board of Education for the establishment and maintenance of a high school within such precinct or precincts, the Board of Education shall establish within the territory embraced in such precinct or precincts, within one year thereafter, a standard high school; provided, that the junior and senior years of such high school may not be established until the number of students in such years justify such establishment as recommended by the State Board of Education;

provided, further, that no petition shall be considered from any precinct, any part of which is within five miles of an established high school and that no such high school shall be located within twelve miles of any existing high school; and, provided, further, that the provisions of this Act shall not be construed to prevent the establishment of high schools by boards of education independent of petition.

4618. Restrictions on sale of school property. No school sites or buildings shall be sold or conveyed by the board of education, except on resolution of the board, duly adopted at a regular or duly called meeting, and not then without the affirmative vote of at least two-thirds of all the members of the board. '05, p. 135.

4619. Trustees of former districts to convey property to board of education. Upon the appointment or election and qualification of a board of education for any county school district of the first class, the trustees of all school districts formerly existing in said county school district of the first class shall convey and deliver all the school property in said districts to the board of education of said county school district of the first class; and the title of all such property, and all property hereafter acquired for school purposes in said district, shall be conveyed to and vested in said board of education, for the use of the district schools of said district; and all rights, claims, and causes of action to or for said property, or the use or income thereof, or for any conversion, disposition, or withholding thereof, or for any damage or injury thereto, shall at once vest in the board of education of said district, in trust for the use of the district schools of the district, and said board, in the name aforesaid, may bring and maintain actions to recover, protect, and preserve the property and rights of the district school, and to enforce any contract relating thereto, and in its said name may sue and be sued in any court of law or equity. And all outstanding debts and obligations of any such school district shall be paid by said board of education. '05, p. 135.

4620. Teachers' examinations. Course of study. Examinations for teachers in country school districts of the first class shall be conducted by the state board of education. Such districts shall follow the state course of study, and shall use the text books adopted by the state text book commission. '05, p. 136; '13, p. 185.

County examinations and certificates,
§§ 4506, 4684.

4622. School property exempt. All property, real and personal, held by the board of education shall be exempt from general and special taxation, and from all local assessments

for any purpose, and shall not be taken in any manner for debt. '05, p. 136.

4623. Districts to receive their proportion of school taxes.

All districts organized under the provisions of this chapter shall receive their pro rata share of any state taxes levied for the support of district schools or any funds that may be realized from any source which, under the operation of law, are required to be divided pro rata for the benefit of children of school age residing in the state. '05, p. 136.

4624. Levy in county school districts of the first class.

Limit. The board of education shall, on or before the 1st day of May of each year prepare a statement and estimate of the amount necessary for the support and maintenance of the schools under its charge for the school year commencing on the 1st day of July next thereafter, and for the purchase of school sites and the erection of school buildings, also the amount necessary to pay the interest accruing during such year, and not included in any prior estimates on bonds issued by the said board; also the amount of sinking fund necessary to be collected during such year for the payment and redemption of said bonds; and shall forthwith cause the same to be certified by the president and clerk of said board to the officers charged with the assessment and collection of taxes for general county purposes in the county in which the district is situated, and such officers, after having extended the valuation of property on the assessment rolls, shall levy such per cent as shall, as nearly as may be, raise the amount required by the board, which levy shall be uniform on all property within the said district as returned on the assessment roll, and the said county officers are hereby authorized and required to place the same on the tax roll; provided that districts of the first class existing at the time of the enactment of this law, and that where districts not existing on the first day of May shall come into existence by the second Monday in July in any year, the time of preparing the statement and estimate above named shall be extended to the third Monday in July; and any levy of special tax that may have been made in any district abolished or superseded by the creation of such new district shall be vacated. Said taxes shall be collected by the county treasurer as other taxes are collected, but without additional compensation, for assessing and collecting, and he shall pay to the treasurer of said board, promptly as collected, who shall hold the same subject to the order of the board of education; provided, that the tax for the support and maintenance of such schools shall not exceed in any one year five and one-half mills on the dollar upon all taxable property of said district; and shall not exceed one and one-half mills additional on the dollar in one year, to be used exclusively for the pur-

chase of school sites and the erection of school buildings, but in case any funds collected for support or maintenance are not used within the school year for which they were raised, they may be used for building purposes; provided, further, that the board of education in each county school district of the first class shall also, on or before the first Monday in May of each year, furnish the board of county commissioners an estimate in writing of school funds needed in their districts for the ensuing year for the payment of teachers, of expenses of the county institute, of compensation of the superintendent of schools, which estimate shall be taken by the board of county commissioners, as required by Section 1864, Compiled Laws of Utah, 1907, or in lieu thereof when there is no county superintendent, as a basis for the county school tax levy provided for in Section eighteen hundred and sixty-five, Compiled Laws of Utah, 1907. Am'd '11, p. 266.

Sec. 4624 as amended by Ch. 111, Laws of Utah '15, is unconstitutional as to tax limitations therein fixed. See Bd. of Ed. Granite Sch. Dist. vs. Chas.

F. Stillman et. al. (184 Pac. 195); and Bd. of Ed. Carbon Sch. Dist. vs. Albert Bryner et. al. (192 Pac. 627).

4625. County treasurer to pay over taxes. The respective county treasurers shall pay over to the board of education as fast as collected or realized its proportionate amount of delinquent taxes, interest and costs on all tax sales heretofore or hereafter made. '05, p. 137.

4626. Special taxes for school buildings and sites. The board of education may, at the annual school election or at a special election, in its discretion, submit to the voters of the district the question of levying a special tax not to exceed 1 per cent of all the taxable property in the district, for one or more years, to buy sites, build and furnish school houses, or improve the school property under its control. If the voters declare in favor of such tax, it shall be levied and collected as other school taxes, and the board of education may apply any money available, raised from taxation, to the building of or the improvement of the school property under its charge. The board of education shall give such reasonable notice of such submission as it may deem proper, and, if submitted at a special election, may follow the procedure so far as applicable for the issuance of bonds; provided, all school taxes voted by the board of education, or by a special meeting called for that purpose, shall be computed on the valuation of the county assessment roll for such year, and shall be voted on or before the 1st day of May of any year, and within twenty days thereafter the board shall make certified returns of the per cent of the taxes so voted to the county auditor and the county assessor, who shall acknowledge receipt of the same. The county assessor shall assess for each special tax, at the time and manner provided by law for assessing state and county taxes, and shall

give to the district school taxpayers similar notices to those which are required by law to be given the taxpayers of state and county taxes. The officers charged with the collection of special school taxes shall pay over the same to the treasurer of the school district in which the same is collected, making payments of the sums collected at the end of each calendar month. On the 31st day of December, after receiving the tax roll, he shall complete the payment of all district taxes borne upon such roll; provided further, that all school taxes levied and assessed under the provisions of this chapter shall become due and delinquent at the same time and be assessed and collected by the same officers and in the same manner, and shall attach to and become a lien on real and personal property assessed at the same time as state and county taxes. Am'd '15, p. 100.

4627. Special election for bonding district. The board of education may, when in its judgment it is advisable, or shall, when petitioned by a majority of the resident taxpayers of the school district, as appears by the county assessment roll of the last preceding year, call an election in each school representative precinct of the district, and submit to the taxpayers of the district whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more school houses, and supplying the same with furniture and necessary apparatus, for improving the grounds, and for the refunding and redemption of all or any portion of any bonds outstanding in any such district. '05, p. 138.

Bond elections generally, §§ 4590-4596.

4628. Election, how called. The election provided for in the preceding section shall be called by publishing, for not less than ten days, a notice signed by the president and clerk of the board of education, in a newspaper having a general circulation in the school district, and by posting said notice at the polling places in each school representative precinct of the district for the same length of time next preceding said election. The board of education before any notice is published or posted, shall appoint three electors in each school representative district to conduct the bond election herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof to the board as herein provided. Such notice shall contain:

1. The time and place of holding the same;
2. The names of the judges at each polling place to conduct the same;
3. The time during which the polls will remain open;

4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

In case it shall become necessary in a county school district of the first class to incur additional indebtedness as provided in § 4591, the election therefor shall be called and conducted as prescribed in this section, except that the fourth subdivision required herein in the notice shall specify, instead of the amount and denomination of the bonds, etc., the amount of indebtedness which the board proposes to incur or create, and for what purposes. '05, p. 138.

4629. Form of ballot. The ballot used at such election shall be furnished by the board of education, and shall express upon its face the questions the board desires to submit to the taxpayers. No informalities in conducting such election shall invalidate the same, if it shall have been otherwise legally conducted. '05, p. 139.

4630. Qualifications of electors. Every registered voter residing in any school representative district in which any election is held for the purpose of determining the question of issuing bonds for such school district, and who shall have paid a property tax therein in the year preceding such election, shall be entitled to vote at any such election. Challenges for cause by any qualified voter shall be allowed at such election, and promptly decided by the judges conducting the same. '05, p. 139.

4631. Canvass of votes cast. Returns. Statement to be filed with county clerk. Immediately after the closing of the polls, the persons appointed to conduct the same shall proceed to count and canvass the ballots cast at such election, and make returns thereof to the board of education; and said board shall, within five days after said election, meet and canvass said returns, and if a majority of the ballots cast at said election are in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall immediately file with the clerk of the county in which such school district is situated a certified copy of the order of the board of education, and certified copies of the notices published or posted, calling such election, with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by law and the order of the board of education. The board shall also file with said clerk a statement showing the approximate number of inhabitants and the value of taxable property in the district; that the amount of bonds proposed to be issued, including existing indebtedness, does not exceed four per cent of the value of taxable property in the district; that the election at

which the question of issuing bonds was submitted was lawfully called and held; that all proceedings in relation to the proposed issue of bonds in said district were lawfully conducted, and that such bonds may be lawfully issued; and thereupon said board of education shall be and it is hereby authorized and directed to issue the bonds of such district to the number and amount voted for at such election. The money for the redemption of said bonds, and the payment of the interest thereon as it shall become due, shall be raised by taxation upon the taxable property of said district; provided, that the total amount of bonds so issued, including existing indebtedness, shall not exceed four per cent of the taxable property of the district, as shown by the last equalized assessment roll for county purposes. '05, p. 139; '07, p. 84.

4632. Denomination of bonds. Interest. Time. The denomination of the bonds which may be issued under the provisions of this chapter shall be \$50 or some multiple of fifty not exceeding \$1,000, and shall bear interest of not exceeding the rate of five per cent per annum, payable semi-annually, or annually, in accordance with interest coupons which shall be attached to said bonds, and shall be made payable not more than twenty years from their date. The board of education may reserve the right to redeem such bonds, or any of them, at any time after five years from their issue. Any bonds heretofore authorized by vote of any school district remaining unsold may, in the discretion of the board, be hereafter issued, to bear any rate of interest not exceeding five per cent per annum, payable annually or semi-annually. '05, p. 140.

4633. Form of bonds. Whenever any bonds are issued under the provisions of this chapter, they shall be engraved, lithographed, or printed on bond paper, and shall state upon their face the date of their issue, the amount of bond, for what purpose issued, also the time and place of payment and rate of interest to be paid. They shall have printed upon the margin the words, "authorized by act of the legislature of the state of Utah, A. D. 1897, and all supplemental and amendatory acts," and upon the back of each bond shall be printed a certificate, signed by the county clerk, in substantially the following form:

I certify that the within bond is issued in accordance with law, and is within the debt limit permitted by the constitution and laws of the state of Utah, and in accordance with a vote of the taxpayers of..... school district of..... county, state of Utah, at an election held on the..... day of..... 19..... authorizing bonds to the amount ofdollars.

They shall be signed by the president and clerk of the board of education and countersigned by the treasurer thereof, and there shall be entered in a book to be kept by the clerk for that purpose the number, date, and denomination of the bonds sold, and the date when the same shall become due.

'05, p. 140.

Certification that bonds are within debt limit. §§ 466-469.

4634. Board may sell bonds. Whenever any bonds are issued under the provisions of this chapter, the board of education shall have authority to negotiate and sell such bonds to the highest bidder. No contingent bid shall be received, and every bid shall be accompanied by a certified check of five per cent as a forfeit, payable to the order of the board of education. The board may reject any or all bids. The proceeds shall be used exclusively for the purpose for which they are issued. '05, p. 140.

4635. Redeemed bonds—refunding—validity—objections—procedure—consolidated districts. Whenever any of the bonds of a school district shall have been redeemed or purchased by the Board of Education, they shall be cancelled by writing or printing in red ink across each bond and coupon the words, "Paid and cancelled:" and the date of payment and amount paid shall be entered in the clerk's register against the number of the bond and the bond and coupons so cancelled shall be filed in the office of the clerk of the board and preserved in a book to be kept for that purpose. Any bond or bonds heretofore or hereafter issued or assumed, through consolidation or otherwise, by any board of education or school district may be refunded at any time by such board or school district when a lower rate of interest or better terms can be obtained, or to provide means for the payment of maturing bonds, and the provisions hereof as to elections shall not apply.

Whenever it may be deemed advisable by the board of education, the validity of any such bond or bonds may be determined in the following manner: The Board of Education shall cause to be published once a week for two successive weeks in a newspaper published in said school district, or if there be no such newspaper, then by posting for a like period in three public and conspicuous places in said district, a notice describing with sufficient particularity for identification the bond or bonds intended to be refunded, and requiring any and all persons objecting to the legality, regularity, or validity of said bond or bonds, or of the issue or sale thereof, or of the indebtedness represented thereby, to be and appear before such Board of Education at a specified place within said district on a specified day and time, which shall not be less than fourteen nor more than sixty days after the first publication of said notice then and there to present in writing,

duly certified, such objection as he or they may have to the legality, regularity, or validity of said bond or bonds, the issue or sale thereof, or the indebtedness represented thereby. The Board of Education shall convene at the time and place specified in said notice and receive all objections that may be presented as aforesaid, which shall thereupon be filed and preserved by said Board of Education. If no such written objections are presented at the time and place specified in said notice, the Board of Education shall thereupon so certify, and all persons shall thereafter be forever barred from questioning in any manner or proceeding, the legality, regularity, or validity of such bond or bonds, or of the issue or sale thereof, or of the indebtedness represented thereby, and said Board of Education may thereupon refund or redeem said bond or bonds.

Any person filing any such written objection shall, within twenty days thereafter, commence appropriate legal proceedings against said Board of Education and such other person or persons as may be proper parties, in the district court for the county and district wherein said school district is situated, to challenge and determine the legality, regularity and validity of such bond or bonds, of the issue and sale thereof, and of the indebtedness represented thereby. The effect of a failure, for any cause whatever, to commence such legal proceedings within said twenty days, shall be the same as though no such objection had been presented or filed, and upon proof of such failure by certificate of the clerk of said court or otherwise, said Board of Education may refund or redeem said bonds.

Bonds may also be issued by a consolidated school district without an election, for the funding, purchase or redemption of the outstanding indebtedness of any such consolidated school district provided such debt was contracted prior to consolidation and was assumed by such consolidated school district pursuant to law. The legality, regularity, and validity of any such outstanding indebtedness may be determined in the manner herein above set forth for determining the validity of bonds to be refunded by any Board of Education. Am'd '05, p. 141; '19 p. 280.

4636. Interest and sinking fund. The board of education, in its annual estimate and levy provided for in this chapter, shall include an amount sufficient to pay the interest as the same accrues on all outstanding bonds issued by the board, and also to create a sinking fund of two per cent of the par value of outstanding bonds for the redemption of said bonds, and shall cause a tax to be levied and collected as provided for in this chapter, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than is hereinafter provided. '05, p. 141.

4637. Investment of sinking fund. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education shall be used as follows: After retaining an amount sufficient to pay the principal of the bonds maturing during the year, the board shall, with the surplus of the sinking fund, invest the same in bonds of the state of Utah, or of any school district, town, city, or county thereof, or of the United States, on the best terms to be obtained, until such time as it may be needed to purchase any outstanding bonds that may be offered, or until the maturity of any such bonds. '05, p. 141.

Sinking funds may be invested, § 5200

4638. Bonds a lien on property of district. Bonds issued under the provisions of this chapter shall be a lien upon the taxable property of the school district issuing them, and when the board of education neglects or refuses to levy a tax in accordance with law to meet the outstanding bonds or the interest thereon, the board of county commissioners of the county within which such district is situated shall levy such tax and apply the money thus collected to the payment of such bonds and the interest due thereon. '05, p. 141.

4639. Board shall advertise for bids for building school-houses. Whenever any schoolhouse is to be built, the board of education shall advertise for at least ten days in some newspaper published in the county for sealed proposals for building such schoolhouse in accordance with the plans and specifications, which shall be furnished by the board of education at its office or at the office of the architect, stating in such advertisement or notice the place where, and the day and the hour when, all proposals will be opened, and reserving the right to reject any and all proposals, and shall require a certified check of not less than five per cent of the amount of the bid to accompany the same, which check shall be made payable to the order of the board of education, and the check of the successful bidder shall be forfeited in case he fails or refuses to enter into the contract and furnish the bond required. At the time and place specified in said notice, the board shall meet and publicly open and read all the proposals which have been received, and, if satisfactory bids have been received, shall award the contract to the lowest responsible bidder, and shall require of such bidder or contractor a bond in one-half the amount of the contract, conditioned that he will properly perform its conditions in a faithful manner and in accordance with its provisions. In case none of the proposals are satisfactory, all shall be rejected, and said board shall advertise anew in the same manner as before. It may require in the contract to be executed that at least twenty per cent of the contract price may be withheld until the building is com-

pleted and accepted by the board. But if, after twice advertising as provided herein, no satisfactory bid is received, the board may proceed under its own direction to erect the building required, or in case of a building not exceeding \$5,000 in cost, if no satisfactory bid is received at the first notice, the board may proceed with the construction as it may determine; provided, that no member of the board of education shall be financially interested in the contract, directly or indirectly, in the erection of any school building. '05, p. 142.

Contractors must give bond, §§ 3753, 3754.

This section does not apply after the contract has been entered into and the bond furnished, and after the board of education had entered into the contract

it will be presumed that the bond was required of and furnished by the contractor in accordance with the statute.

Tooele Bldg. Assoc. v. Tooele High School Dist., 43 U. 372; 134 P. 894.

4640. Parental schools. The board of education of any county school district of the first class, or the board of education of any two or more such districts, under a contract to be approved by each of such boards, may provide for the establishment and maintenance of parental schools, and for the support and education of the inmates thereof, conformably with the provisions of this chapter. '05, p. 142.

Parental schools in cities, §§ 4721-4729.

Detention schools, §§ 1875-1881.

4641. Truants may be committed to parental schools. Any child, between the ages of eight and fourteen years, residing within the district or districts maintaining such a school, adjudged guilty of being a habitual truant, or of wandering about in the streets and public places of said district or districts without lawful employment or business, may be committed to the parental school provided for the purpose, for a term not exceeding beyond the age of fourteen years. '05, p. 142.

4642. Truant may be released. Any child committed as provided in the next preceding section may be released from confinement at such school, either conditionally or absolutely, before the expiration of the term of commitment, in accordance with the by-laws established by the board or boards of education maintaining the same. '05, p. 143.

4643. Neglected children may be committed to parental school. Children under sixteen years of age who, by reason of neglect, crime, drunkenness, or other vices of parents, or by reason of orphanage, are suffered to grow up without salutary parental control and education, or in circumstances encouraging them to lead idle and dissolute lives, may be committed to the proper parental school for a term not extending beyond the age of sixteen years. '05, p. 143.

4644. How discharged. When the parents of a child committed under the next preceding section have reformed

and are leading orderly and industrious lives, and are in a condition to exercise salutary control over such child, and to provide him with proper education and employment; or when, said parents being dead, any person offers to make such suitable provisions for the care, nurture, and education of such child as will conduce to the public welfare, the board of education may discharge him to the parents or such other person. '05, p. 143.

4645. District court has jurisdiction. The district courts of the several counties shall have jurisdiction within their respective counties to enforce the provisions of this chapter, upon such notice to the parents or guardians of the children whom it is proposed to commit to parental schools as the court may deem just and proper. '05, p. 143.

4646. Parents pay cost of children in parental school. Any board or boards of education maintaining a parental school in accordance with § 4640 shall estimate and determine, as near as may be, the average actual expense per month of keeping and taking care of the boys and girls who may be committed to the parental school, and the average cost of keeping such boys and girls shall be wholly paid by the parent or guardian of each boy or girl committed to the school, unless for good cause said board or boards of education shall otherwise order and direct. The board of education of the district in which the parent or guardian of any such committed boy or girl resides may bring suit to enforce this provision. '05, p. 143.

4647. Other children may be received in parental school. On the tender of a payment which will meet all costs of support at the parental school, the board or boards of education maintaining such school may receive into it on equal terms boys or girls whose residence is in the state outside the district or districts to which the school belongs. '05, p. 143.

4648. Truant officer. The board of education of each county school district of the first class may appoint and fix the compensation of a truant officer, whose duty it shall be to make complaints and arrests in cases contemplated by this chapter, and to serve legal process issued by courts in pursuance hereof. The sheriff of the county shall make such truant officer a deputy sheriff to serve without pay, so far as the sheriff's office is concerned. '05, p. 143.

Duty under employment of children act, § 1864.

4649. County superintendent's office vacant in certain cases. When a county of the first class is so organized as to school districts that there are no such districts therein, other

than those of cities of the first or of the second class and county school districts of the first class, on the first Monday in August of any year in which there is a general election for county officers, then no county superintendent of schools shall be elected for such county at that election, and the office shall become and remain vacant for the succeeding term or terms, as the case may be, except that in the event of there being no election for county superintendent of schools in the year 1906, the present incumbent shall hold office till the 1st day of July, 1907; but the board of county commissioners shall fix the salaries therefor, as required by law, to be distributed pro rata among school superintendents in county school districts of the first class, as provided in § 4624, as compensation for services in whole or in part, as such compensation may be fixed by the board of education of the district, no other compensation than that fixed by the board of county commissioners to come out of the general school fund of the county. Where there is no county superintendent of schools under the foregoing provision, then the county auditor shall make to the school districts in the county the apportionment of school funds provided for in § 4565, and the county treasurer shall pay such apportioned funds to the school district treasurers upon the warrants of the county auditor, who shall make report thereof to the board of county commissioners, and to the state superintendent, as provided by law. When there is no county superintendent, the board of county commissioners shall arrange the county teachers' institutes and designate the school district superintendent in the county which shall take charge thereof. '05, p. 144.

4650. Registration lists to be furnished. It shall be the duty of the county clerk to furnish to boards of education in county school districts of the first class, at least five days previous to the day of election for members of the said board, a certified copy of the registration list, showing the names of all registered voters residing in the election district covered by such school districts. '05, p. 144.

Registration for school election,
§§ 2112, 2136, 2141.

CHAPTER 11.

SCHOOLS IN CITIES.

4660. This chapter applicable to cities of the first and of the second class. Control. All cities of the first and of the second class shall be governed by the provisions of this chapter. The public school system therein shall be controlled by

the board of education of such cities, separate and apart from the counties in which the cities are located.

County school districts of first class, Separate maintenance and control,
§§ 4597-4650. Con. art. 10, sec. 6.

4661. Each city a school district. Control. Each city subject to the provisions of this chapter, and all territory which shall hereafter be added thereto, shall constitute one school district, and public schools therein shall be free to all residents thereof between the ages of six and eighteen years of age, and of children within the required age whose father, mother, or guardian is a taxpayer within said district. All public schools and property therein shall be under the direction and control of the board of education.

4662. Membership of board of education. The board of education of cities of the first class shall consist of ten members, two to be elected from and by each municipal ward; and, of cities of the second class, shall consist of five members, one to be elected from and by each municipal ward.

4663. Election of members of board in cities of the first class. There shall be elected in cities of the first class, on the first Wednesday of December, 1897, two members of the board from each municipal ward, one for the term of one year, and one for the term of three years; and in 1898, and biennially thereafter, on the first Wednesday of December, one member from each municipal ward for the term of four years.

4664. Election of members of board in cities of the second class. There shall be elected in cities of the second class, on the first Wednesday of December, 1916, one member of the board of education from the first municipal ward for a term of one year; one member from the second municipal ward for a term of two years; one member from the third municipal ward for a term of three years; one member from the fourth municipal ward for a term of four years; one member from the fifth municipal ward for a term of five years, and thereafter there shall be elected annually on the first Wednesday in December for the term of five years, a member from the ward in which the term of a member expires. Am'd '13, p. 38.

4666. Election of Boards in city districts—procedure. Elections for members of the Board shall be called and conducted, and the canvass of returns shall be made, and the qualifications of electors shall be as provided in the general registration and election laws, except as in this Section hereinafter provided. There must be at least one voting place in each municipal ward. It shall be necessary for each candidate, or at least five citizens in behalf of the candidate, to file with the clerk of the Board of Education not less than

fifteen days next preceding the date of election, a signed statement announcing that he or she is a candidate, and said clerk shall immediately thereafter furnish a list of said candidates to any citizen who may call upon him for the same. Appointments of judges of election shall be made by the Board of Education at any convenient time prior to the day of election. The Board of Education shall furnish the judges of election at every polling place with a sufficient number of official ballots for election purposes and shall pay all other lawful and necessary expenses of the election. The election shall in all other respects be conducted in accordance with the general election laws of the state. The Board of Education shall exercise all such powers relative to school elections in their respective cities as are conferred upon the Board of County Commissioners in other elections, so far as conformable with this chapter. Am'd '19, p. 279; '21, Ch. 102.

Elections generally, §§ 2100-2424.
School elections generally, § 4602.

Registration for school elections, §§
2112, 2136, 2141.

4667. Qualification of members of board. Vacancy.

Every member of the board of education in cities of the first and of the second class shall be and remain a resident, qualified, registered voter in the municipal ward from which he is elected, and the board of education is hereby required to fill any vacancy that may occur through non-residence or any other cause, until the next election of members of the board; and in case the board of education, shall, for a period of thirty days after such vacancy shall occur, fail to agree upon the election of a member to fill such vacancy, then the mayor of the city, by and with the consent of the city council, shall fill such vacancy until the next election; provided, that any vacancy occurring previous to the annual election having an unexpired term shall be filled for such unexpired term at the first school election thereafter, and the ballots shall be as follows: "To fill the unexpired term....." Am'd '07, p. 202.

4668. Officers . Oath. The members elected as herein

provided shall, before entering upon the discharge of their duties, take and subscribe the oath of office. In cities of the first class they shall organize by electing from their number a president and a vice-president, whose term of office shall be for two years, and until their successors are elected and qualified. In cities of the second class the member having one year to serve shall be ex officio president and the member having two years to serve shall be ex officio vice-president. They shall also elect a clerk and a treasurer, who shall be registered voters in the school district, and whose respective terms of office shall be two years, and until their successors are elected and qualified. Am'd '13, p. 39.

Issue employment permits for children, §§ 1860-1869.

4669. Removal of officers. Any officer appointed or elected by the board of education for a specified term may be removed from his office for cause by the vote of two-thirds of the board.

4670. Board may appoint necessary officers. The board of education shall have power to appoint all other officers that in its judgment may be necessary fully to carry out the provisions of this chapter, for the protection and improvement of school property, and for the promotion of the interests of the schools, and remove the same at pleasure, and may require any such officer to give bonds to the board in such sum as it may prescribe. The oath of office and bond of the clerk shall be filed with the treasurer, and all others shall be filed with the clerk.

4671. Election of superintendent. Oath and bond. At the first meeting of the board in June, 1898, and biennially thereafter, a superintendent of schools shall be elected, who shall subscribe an oath of office, and shall enter upon his duties on the 1st day of July thereafter. His term of office shall be two years, and until his successor shall be elected and qualified.

Issue employment permits for children, § 1860-1869.

4672. School year. Reports. The school year shall commence on the first day of July annually, and close on the last day of June following. The annual reports of the president, the superintendent, and the several committees shall be presented to the board at or before the first regular meeting in August of each year; and the financial and statistical reports of the board for the past school year, containing such items as shall be required by law or by the state superintendent, shall be forwarded to the state superintendent on or before August 15th of each year. Am'd '21, Ch. 103.

4673. Compensation of members. Penalty. The members of the board of education shall fix the compensation to be received for their services, at a sum not to exceed \$100 per annum. No member of the board of education shall take any contract, receive appointment, or perform labor for which he shall receive payment from the school funds or in any way receive compensation other than the salary herein provided. Any violation of the provisions of this section shall be deemed a misdemeanor. Am'd '05, p. 39.

4674. Annual school census. The board of education shall appoint suitable persons for each ward, who shall act as enumerators for school population for said ward, and visit every house therein between the fifteenth and thirty-first of October of each year, and ascertain and enter upon the lists

the name of every person residing in such ward who on October thirty-first of that year shall have reached the age of six and shall not have reached the age of eighteen. Provided, that all children between said ages attending other than the district or public high schools outside the district in which they reside, shall be enumerated in their home district. Such enumeration lists shall contain all information required by law, and such other information as the state superintendent or the board of education may require.

Am'd '21, Ch. 103.

4675. Census reports. The enumeration lists shall be filed with the clerk of the board as soon as completed, and not later than the tenth day of November. Immediately thereafter the clerk of the board shall make out and forward to the state superintendent a statement showing the number of children of school age residing in the district, together with all other information obtained under the provisions of the next preceding section that may be required by the state superintendent. Am'd '21, Ch. 103.

4676. Duties of president defined. Vice-president. It shall be the duty of the president to preside at all meetings of the board, to appoint all committees; and to sign all warrants ordered by the board of education to be drawn upon the treasurer for school moneys. In case of the absence or disability of the president, his duties shall be performed by the vice-president.

4677. Bond of clerk of board. Before entering upon the discharge of his duties, the clerk shall give a bond to the board of education of such city in such sum as said board may prescribe, with good and sufficient sureties, to be approved by the board, conditioned for the faithful performance of his duties, and shall qualify according to law.

4678. Duties and compensation of clerk. It shall be the duty of the clerk to attend all meetings of the board; to keep an accurate journal of its proceedings, and have the care and custody of the seal, records, and papers not otherwise provided for; to countersign all warrants drawn upon the treasurer by order of the board; to keep an accurate account of all moneys paid to the treasurer on account of said board and from what source received, and all moneys paid on orders drawn on the treasurer by order of said board; and to prepare and submit to the board an annual statement, under oath, of the receipts and disbursements during the year ending June 30, which statement the board shall cause to be published in a newspaper having general circulation in said city, showing:

1. The amount on hand at the date of the last report;
2. The amount of sinking fund and how invested;

3. The moneys paid out, and for what paid;
4. The balance of school moneys on hand;
5. The number, date, and amount on every bond issued

and redeemed under the authority herein given, and the amount received and paid therefor.

The clerk shall perform such other duties as the board and its committees may require. He shall receive for his services such compensation as the board may determine. Am'd '11, p. 124.

4679. Duties and compensation of treasurer. The treasurer of the board of education shall subscribe to the oath of office and give a bond to the board with sufficient sureties and in such sum as the board may require; said oath and bond to be approved by the board and filed with its clerk. He shall be the custodian of all moneys belonging to the corporation, and be responsible upon his bond for all moneys received by him as treasurer. He shall prepare and submit in writing a monthly report of the receipts and disbursements of his office, and pay out school moneys only upon a warrant signed by the president, or, in his absence or disability, by the vice-president, countersigned by the clerk, and shall perform such other duties as the board may require. The treasurer shall receive for his services such amount as the board of education may fix and determine. The board may require the treasurer to keep his office and records in the office of the board.

Premium on bond, how paid, § 4500.	§ 4754.
Funds to draw interest and where deposited, § 4500.	Requirements for participation in state high school fund, §§ 4575-4582.
Treasurer teachers' retirement fund,	

4680. Board of education a body corporate. Powers and duties. The board of education of any such city shall be a body corporate under the name of "The Board of Education of.....City" (inserting the proper name), and shall have an official seal conformable to such name, which shall be used by the clerk in the authentication of all matters requiring it. And said board, in the name aforesaid, may sue and be sued; may take, hold, lease, sell, and convey real and personal property, as the interests of the schools may require. The members of the board and the clerk thereof shall have the power and authority to administer oaths in proof of claims and accounts against said corporation, and no claim or account except salaries of teachers and janitors, shall be audited or allowed by the board of education unless the correctness of the same shall be proved under oath.

4681. Powers and duties defined. The board of education shall have the power and authority to purchase or sell schoolhouse sites and improvements thereof; to construct and erect school buildings and to furnish the same; to establish,

locate, and maintain kindergarten schools, common schools, consisting of primary and grammar grades, high schools, and industrial or manual training schools; to establish and support school libraries; to purchase, exchange, repair, and improve the high school apparatus, books, furniture, fixtures and all other school supplies in said schools. It shall supply and loan to pupils in the several grades and departments of said schools, except the high school, free of charge, all text books and supplies used by the pupils of said schools; it shall have the power to sell to pupils in the several grades and departments of said schools, at cost, all text books and supplies used by the pupils of said schools; to collect all books and apparatus loaned to pupils of the public schools of any such city, or damages for the loss, injury, or destruction of the same; to assign to the State Normal School, for the purpose of instruction in the practice school connected therewith, a sufficient number of pupils of appropriate grades, and reimburse the state university or said normal school for the instruction of such pupils at rates per pupil not exceeding the average cost of instruction for pupils in the public schools of the city as ascertained for each year; to do all things needful for the maintenance, prosperity, and success of the schools, and the promotion of education: to adopt by-laws and rules for procedure of the board of education, and make and enforce all needful rules and regulations for the control and management of the public schools of the city: provided, that said school boards shall purchase all books now remaining in the hands of the merchants of their respective cities, at the introductory exchange price. Am'd '03, p. 159.

Authority to establish high schools,
Con. art. 10, sec. 2.

Compulsory attendance of children,
§§ 4740-4743.

Control of local boards of health,
§ 2755.

Insure employees, §§ 3110, 3111,
3119.

Duties as to school houses as civic
centers, §§ 4551-4554.

May employ physician, § 4540.

The arbitrary closing of schools on
account of epidemic of smallpox does
not relieve the board of education of
liability for salary of teacher, under
contract, for time lost during such
period.

McKay v. Barnett, 21 U. 239; 60
P. 1100.

4682. Sale of sites and buildings. No school sites or buildings shall be sold or conveyed by the board of education, except on resolution of the board, duly adopted at a regular or duly called meeting, and not then without the affirmative vote of at least two-thirds of all the members of the board.

4683. Board has rights and duties of constituent districts. Suits by and against. Upon the election and qualification of a board of education for any city, the trustees of all school districts existing in said city shall convey and deliver all the school property in said district to the board of education of said city; and the title of all such property, and all

property hereafter acquired for school purposes in said city, shall be conveyed to and vested in said board of education, for the use of the district schools of said city; and all rights, claims, and causes of action to or for said property, or the use or income thereof, or for any conversion, disposition, or withholding thereof, or for any damage or injury thereto, shall at once vest in the board of education of said city, in trust for the use of the district schools of the city, and said board, in the name aforesaid, may bring and maintain actions to recover, protect, and preserve the property and rights of the district schools, and to enforce any contract relating thereto, and in its said name may sue and be sued in any court of law or equity. And all outstanding debts and obligations of any such school district shall be paid by such board of education.

4684. Board of examiners, how constituted. In each city of the first and of the second class there shall be a board of examiners, consisting of the city superintendent of public schools, or the superintendent-elect, and two or more other members having practical experience as teachers, residents of said city, to be designated associate examiners. The associate examiners shall be elected by the board of education at their first meeting in April annually, and shall hold office for one year, but no candidate for examination as a preliminary to teaching in the public schools shall be an associate examiner. Am'd '05, p. 111.

4685. Chairman of examiners. The city superintendent of public schools, or superintendent-elect, shall be chairman of the board of examiners.

4686. Compensation of associate examiners. The associate examiners shall receive such a stated compensation per diem for services actually rendered as may be allowed them by the board of education. The chairman of the board of examiners shall certify to the correctness of claims for services rendered by the associate examiners.

4687. Teachers' examinations. Special meetings. Record. The board of examiners shall meet and hold examinations for the granting of teachers' certificates on such occasions only as may be authorized by the board of education. Special meetings, not for the purpose of conducting examinations, may be called by the chairman, when, in his judgment, the same are necessary. A record of the proceedings of the board of examiners shall be kept in the office of its chairman, and at all times be open for the inspection of the board of education; and such portions of it as may concern any candidate for a certificate shall be open for the inspection

tion of such candidate or his authorized representative.

State examination and diplomas, §§
4506-4511.

4688. Power of board of examiners. Issue, renewal, and revocation of certificates. The board of examiners shall have power:

1. To adopt rules and regulations, not inconsistent with the laws of the state or the rules of the board of education, for its own government and for the examination of teachers, and to fix standards of proficiency for the granting and renewing of certificates, either heretofore or hereafter issued, subject to the approval of the board of education.

2. To prepare questions on the various subjects prescribed by law, and examine by written or oral examination all candidates for any of the following certificates:

First. A city high school certificate, valid for one year only, unless renewed, and authorizing the holder to teach or serve as principal in any primary, grammar, or high school in the city;

Second. A city grammar certificate, valid for one year only, unless renewed, and authorizing the holder to teach in any primary or grammar school, or serve as principal in any primary school in such city;

Third. A city primary certificate, valid for one year only, unless renewed, and authorizing the holder to teach in any primary school in the city.

The board of examiners shall report the result of all examinations to the board of education, who through the president, and clerk thereof, shall issue to the successful candidates the certificates to which they are entitled.

3. To recommend to the board of education the renewal of the various renewable certificates, in accordance with such regulations as they may adopt, or as may be prescribed by the board of education: whereupon said board of education, through its president and clerk, may renew such certificates from year to year.

4. For immoral and unprofessional conduct, profanity, intemperance, or evident unfitness for teaching, to recommend to the board of education the revocation of any certificate previously granted by said board of education.

5. In case of necessity, to grant, by the chairman of the board of examiners, temporary certificates to teachers of ex-

perience of whose ability to pass the regular examination there is no doubt; provided, that such temporary certificate shall be valid only until the next regular examination, and under no circumstances shall be issued more than once to the same person.

4689. Qualification of applicant for certificate. No certificate or permission to teach shall be issued to any person not eighteen years of age. No certificate shall be granted to any person whose moral character or habits are known by the board of examination or by the board of education, to be bad, or who is afflicted with a serious infectious or hereditary disease. Am'd '03, p. 72.

State diploma, §§ 4707, 4708.

Normal certificates, § 4709.

4690. Certificates granted only after examination. No certificate shall be granted by the board of education or upon its authority, except to successful candidates in a regular or special examination conducted by the board of examiners in accordance with the provisions of law.

4691. Examination for grammar and primary certificates City primary and city grammar certificates shall be granted only to applicants who are found, upon examination, to have a practical knowledge of pedagogies and school management, and to be proficient in and qualified to teach the following branches, namely: Reading, writing, spelling, English grammar, geography, arithmetic, physiology and hygiene, United States history, and such other English branches as the board of education may prescribe; provided, that the examination of applicants for such certificates shall be specially adapted to discover their fitness to teach all the branches named to pupils of primary or grammar grades respectively.

4692. Id. High school certificate. City high school certificates shall be granted only to applicants who pass satisfactorily the examination required for grammar certificates, and, in addition thereto, sustain a satisfactory examination in civil government, physical geography, elementary physics, elementary algebra, botany, and such other branches as the board of education may prescribe.

4693. Teachers exempt from examination. Holders of normal diplomas and certificates issued after March 1, 1892, by the University of Utah, and holders of state diplomas or state certificates shall be exempt from all further examinations during the term of validity of such certificates as provided by law. Teachers engaged in the exclusive teaching of music, foreign languages, drawing, penmanship, kindergarten, and physical culture shall be exempt from all examinations except such as pertain to the special departments over which they may preside.

4694. Special certificates. Special certificates shall be granted only to applicants who pass satisfactorily an examination in a special or departmental subject (such as music, foreign language, drawing, penmanship, kindergarten, physical culture, etc.,) and such other subjects as are calculated to discover applicants' fitness to teach in public schools.

4695. Board to select textbooks. In each city of the first and of the second class the Board of Education shall decide what textbooks shall be adopted in all public schools of the city, and their use shall be mandatory therein for the period of adoption. The Board of Education shall meet as a textbook commission for the purpose of adopting textbooks every two years, beginning in 1922. In 1922 approximately one-third of the textbooks adopted shall be for a period of four years, approximately one-third shall be for a period of six years, and the remainder for a period of eight years. Thereafter adoptions shall be for a period of six years, approximately one-third of the textbooks in use to be adopted at each biennial meeting of the Board called for the adoption of textbooks. At any biennial meeting, any textbook found unsatisfactory can be changed by the board. Am'd '21 Ch. 104.

4696. Notice to publishers. The board of education shall give notice at least sixty days prior to the expiration of any contract regulating the supply and use of text books in such city, by publication in a newspaper having a general circulation in this state, of its intention to adopt text books for the public schools of the city, calling for bids and terms from publishers of text books for schools, stating approximately the number and kind of books required; that separate and sealed proposals will be received by the board of education for furnishing each kind of book, the place where, and the day and hour when, all proposals will be opened, and that the board reserves the right to reject any and all proposals or any part thereof.

4697. Opening bids. At the time and place specified in said notice, the board shall meet and publicly open and read all the proposals which shall have been received, and shall make their decision within thirty days thereafter.

4698. Samples and prices on books. Sealed proposals must be accompanied with sample copies of the books to be furnished, together with a statement of the introductory or exchange price, and of a wholesale and a retail price, at which the publisher agrees to furnish each book within the city during the full time that may be required by the board of education.

4699. Unsatisfactory proposals. If no satisfactory proposals are received, the board, in its discretion, may advertise anew, and the books in use shall be continued in use until satisfactory proposals shall have been received and accepted.

4700. Contract with successful bidders. Bond. The publisher or publishers whose proposals shall be accepted must enter into a written contract with the board of education, and shall give a bond with two sufficient sureties in a reasonable sum, to be fixed by the board, for the faithful performance of such contract.

4701. School property exempt from taxation and execution. All property, real and personal, held by the board of education shall be exempt from general and special taxation, and from all local assessments for any purpose, and shall not be taken in any manner for debt.

Property exempt from taxation, Con. art. 13, sec. 3.

This section is not in conflict with Con. art. 13, sec. 3, and the word "held" means property owned by the board.

Wey v. S. L. City, 35 U. 504; 101 P. 380.

Lands owned by the board of edu-

cation are exempt from legal assessments and taxation for construction of a public sewer, and the city could not impose the payment of a reasonable charge before permitting the board to connect with or use the sewer.

B. of Ed. v. McGonagle, 38 U. 280; 112 P. 401.

4702. City one taxation district. For purposes of taxation the whole city shall constitute one school district.

4703. Distribution of state funds to cities. All cities organized under the provisions of this chapter shall receive their pro rata share of any state taxes levied for the support of district schools, or any funds that may be realized from any source which, under the operation of law, are required to be divided pro rata for the benefit of children of school age residing in the state.

4704. Estimate of required revenue. Annual levy. Limit. Collection. The board of education shall, on or before the 1st day of May of each year, prepare a statement and estimate of the amount necessary for the support and maintenance of the schools under its charge for the school year commencing on the 1st day of July next thereafter; also the amount necessary to pay the interest accruing during such year, and not included in any prior estimate, on bonds issued by said board; also the amount of sinking fund necessary to be collected during such year for the payment and redemption of said bonds; and shall forthwith cause the same to be certified by the president and clerk of said board to the officers charged with the assessment and collection of taxes for general county purposes in the county in which the city is situated, and such officers, after having extended the valuation of property on the as-

assessment roll, shall levy such per cent as shall, as nearly as may be, raise the amount required by the board, which levy shall be uniform on all property within the said city as returned on the assessment roll; and the said county officers are hereby authorized and required to place the same on the tax roll. Said taxes shall be collected by the county treasurer as other taxes are collected, but without additional compensation for assessing and collecting, and he shall pay the same to the treasurer of said board, promptly as collected, who shall hold the same subject to the order of the board of education; provided, that the tax for the support and maintenance of such school in cities of the first class shall not exceed in any one year $6\frac{1}{2}$ mills on the dollar upon all taxable property of said city, $2\frac{1}{2}$ mills additional on the dollar in one year to be used exclusively for the purchase of school sites and the erection of school buildings; and in cities of the second class, the tax for the support and maintenance of such schools shall not exceed in any one year 10 mills on the dollar upon all taxable property in said city. Am'd '01, p. 149; '07, p. 101; '15, p. 193-210.

Levy of county and district school tax, §§ 4525, 5993.

Sec. 4704 (1936) as amended, Ch. 111, Laws '15, p. 192, is unconstitutional in so far as it attempts to divide cities of the first and second class into two classes—those whose assessed valuation is over or under \$20,000,000.00; therefore the section as amended, by chap. 115, laws '15, p. 210, is in force.

B. of Ed. v. Hunter, 48 U. 373; 159 P. 1019.

While punctuation may be disregarded for the purpose of ascertaining legisla-

tive intent, yet as the word "and" is a conjunction implying addition, the conjunction in chap. 111, laws '15, cannot be disregarded so that the limitation on assessed valuation will be construed as applicable only to cities of second class, but it must be taken as applicable to cities of the first class, and hence the section is unconstitutional as to such cities and the limitation prescribed does not apply.

B. of Ed. v. Hanchett, 50 U.—; 167 P. 686.

4705. Delinquent taxes to be paid to board. The respective boards of county commissioners shall pay over to the boards of education as fast as collected or realized their proportionate amount of delinquent taxes, interests, and costs on all tax sales, heretofore or hereafter made.

Distribution of delinquent taxes, interest and costs, § 6055.

4706. Special election for tax for sites, etc. The board of education may, at the annual school election or at a special election, in its discretion, submit to the voters of the district the question of levying a special tax, for one or more years, to buy sites, build and furnish schoolhouses, or improve the school property under its control. If the voters declare in favor of such tax, it shall be levied and collected as other school taxes, and the board of education may apply any money available, raised from taxation, to the building on or the improving of the school property under its charge.

4707. Id. Notice of election. Issuance of bonds. The board of education shall give such reasonable notice of such

submission as it may deem proper; and if submitted at a special election, may follow the procedure, so far as applicable, for the issuance of bonds.

4708. Bond election. Petition. The board of education may, when in its judgment it is advisable, or shall, when petitioned by a majority of the resident taxpayers of the school district, as appears by the county assessment roll of the last preceding year, call an election in each municipal ward of the city and submit to the taxpayers of the district, whether bonds of such district shall be issued and sold for the purpose of raising money for purchasing school sites, for building or purchasing one or more school houses and supplying the same with furniture and necessary apparatus, for improving the grounds, and for the refunding and redemption of all or any portion of any bonds outstanding in any such district.

Election to incur additional indebtedness, § 4591.

4709. Notice and conduct of bond election. The election provided for in the preceding section shall be called by publishing, for not less than ten days, a notice signed by the president and clerk of the board of education, in a newspaper published in the city, and by posting said notice at the polling places in each municipal ward of the city for the same length of time next preceding said meeting. The board of education, before any notice is published or posted, shall appoint three electors in each municipal ward to conduct the elections herein provided for, who shall take and subscribe an oath of office, and who shall make returns thereof to the board as herein provided. Such notice shall contain:

1. The time and place of holding the same;
2. The names of the judges at each polling place to conduct the same;
3. The time during which the polls will remain open;
4. The amount and denomination of the bonds, the rate of interest, and the number of years, not exceeding twenty, the whole or any part of said bonds are to run.

4710. Ballot. Informalities in election. The ballot used at such election shall be furnished by the board of education, and shall express upon its face the questions the board desires to submit to the taxpayers. No informalities in conducting such election shall invalidate the same, if it shall have been otherwise legally conducted.

4711. Qualifications of voters. Challenges. Every registered voter residing in any ward in which any election is held for the purpose of determining the question of issuing

bonds for such school district, and who shall have paid a property tax therein in the year preceding such election, shall be entitled to vote at any such election. Challenges for cause by any qualified voter shall be allowed at such election, and promptly decided by the judges conducting the same.

Registration for school election, § 2136.

4712. Canvass of returns. Issue of bonds. Immediately after the closing of the polls, the persons appointed to conduct the same shall proceed to count and canvass the ballots cast at such election, and make returns thereof to the board of education; and said board shall, within five days after said election, meet and canvass said returns, and if a majority of the ballots cast at said election are in favor of issuing such bonds, then the board shall cause an entry of that fact to be made upon its minutes, and shall, before issuing such bonds, file with the clerk of the county, in which such school district is situated, a certified copy of the order of the board of education, and certified copies of the notices published or posted, calling such election, with an affidavit showing when and where said notices were published or posted, and that they were published or posted as required by the law and the order of the board of education. The board shall also file with said clerk a statement showing the number of inhabitants and the value of taxable property in the district; that the amount of bonds proposed to be issued, including existing indebtedness, does not exceed 3 per cent of the value of taxable property in the district; that the election at which the question of issuing bonds was submitted and lawfully called and held; that all proceedings in relation to the proposed issue of bonds in said district were lawfully conducted, and that such bonds may be lawfully issued; and thereupon said board of education shall be and is hereby authorized and directed to issue the bonds of such district in any amount not exceeding the number and amount voted for at such election. The money for the redemption of said bonds, and the payment of interest thereon as it shall become due, shall be raised by taxation upon the taxable property of said district; provided, that the total amount of bonds issued, including existing indebtedness, shall not exceed 3 per cent of the taxable property of the district as shown by the last equalized assessment roll for city purposes, prior to issuing such bonds. No election shall be void because the amount of bonds authorized at such election exceeded the statutory limitation at the time of holding the election, but the bonds may be issued in accordance with such authorization, in any amount within the limitations fixed by law, at the time the bonds are issued. Am'd '07, p. 200; '09 p. 178.

Limit of indebtedness of school districts, etc., Con. art. 14, sec. 4.

4713. Denomination of bonds. Interest. Payment and redemption. The denomination of the bonds which may be is-

sued under the provisions of this chapter shall be \$50 or some multiple of fifty, not exceeding \$1000, and shall bear interest of not exceeding the rate of 5 per cent per annum, payable semi-annually or annually, in accordance with interest coupons which shall be attached to said bonds, and shall be made payable not more than twenty years from their date. The board of education may reserve the right to redeem such bonds, or any of them, at any time after five years from their issue. Any bonds heretofore authorized by vote of any school district, remaining unsold, may, in the discretion of the board, be hereafter issued, to bear any rate of interest not exceeding 5 per cent per annum, payable annually, or semi-annually.

4714. Printing of bonds. Authorization. Signing. When ever any bonds are issued under the provisions of this chapter they shall be engraved, lithographed, or printed on bond paper, and shall state upon their face the date of their issue, the amount of bond, for what purpose issued, also the time and the place of payment and the rate of interest to be paid. They shall have printed upon the margin the words, "Authorized by act of the legislature of the state of Utah, A. D. 1897," and upon the back of each bond shall be printed a certificate, signed by the county clerk, in substantially the following form:

I certify that the within bond is issued in accordance with law, and is within the debt limit permitted by the constitution and laws of the state of Utah and in accordance with a vote of the taxpayers of.....school district of..... county, state of Utah, at an election held on the.....day of.....19...., authorizing bonds to the amount of.....dollars.

They shall be signed by the president and clerk of the board of education, and countersigned by the treasurer thereof, and there shall be entered in a book to be kept by the clerk for that purpose the number, date, and denomination of the bonds sold, and the date when the same shall become due.

Certification that Bonds are within debt limit, §§ 466-469.

4715. Sale of bonds. Use of proceeds. Whenever any bonds are issued under the provisions of this chapter, the board of education shall have authority to negotiate and sell such bonds to the highest bidder. No contingent bid shall be received, and every bid shall be accompanied by a certified check of five per cent as a forfeit, payable to the order of the board of education. The board may reject any or all bids. The proceeds shall be used exclusively for the purpose for which they are issued.

4716. Redemption and cancellation of bonds. Refunding. Whenever any of the bonds of a school district shall have been redeemed or purchased by the board of education, they

shall be cancelled by writing or printing in red ink across each bond and coupon the words, "Paid and cancelled"; and the date of payment and amount paid shall be entered in the clerk's register against the number of the bond, and the bond and coupons so canceled shall be filed in the office of the clerk of the board and preserved in a book to be kept for that purpose. Any bond or bonds heretofore or hereafter issued by any board of education or school district may be refunded at any time by such board or school district when a lower rate of interest or better terms can be obtained, and the provisions hereof as to elections shall not apply.

4717. Annual levy for interest and sinking fund. The board of education, in its annual estimate and levy provided for in this chapter, shall include an amount sufficient to pay the interest as the same accrues on all outstanding bonds issued by the board, and also to create a sinking fund of two per cent of the par value of outstanding bonds for the redemption of said bonds, and shall cause a tax to be levied and collected as provided for in this chapter, and such money shall remain a specific fund, and shall not be appropriated or used for any other purpose than is hereinafter provided.

4718. Sinking fund, investment of. The moneys levied and collected for creating a sinking fund for the redemption of the bonds issued by the board of education shall be used as follows: After retaining an amount sufficient to pay the principal of the bonds maturing during the year, the board shall, with the surplus of the sinking fund, invest the same in bonds of the state of Utah, or of any school district, town, city, or county thereof, or of the United States, on the best terms to be obtained, until such time as it may be needed to purchase any outstanding bonds that may be offered, or until the maturity of any such bonds.

Sinking fund may be invested, § 5200

4719. Bonds a lien on taxable property. Bonds issued under the provisions of this title shall be a lien upon taxable property of the school district issuing them, and when the board of education neglects or refuses to levy a tax in accordance with law to meet the outstanding bonds or the interest thereon, the board of county commissioners of the county within which such district is situated shall levy such tax and apply the money thus collected to the payment of such bonds and the interest due thereon.

4720. Advertisement for bids for construction of buildings. Award. Contract. When board may erect. Whenever any schoolhouse is to be built, the board of education shall advertise for at least ten days in some newspaper published in

the city for sealed proposals for building such schoolhouse in accordance with the plans and specification, which shall be furnished by the board of education at its office or at the office of the architect, stating in such advertisement or notice the place where, and the day and hour when, all proposals will be opened, and reserving the right to reject any and all proposals, and shall require a certified check of not less than five per cent of the amount of the bid to accompany the same, which check shall be made payable to the order of the board of education, and the check of the successful bidder shall be forfeited in case he fails or refuses to enter into the contract and furnish the bond required. At the time and place specified in said notice, the board shall meet and publicly open and read all the proposals which have been received, and if satisfactory bids have been received shall award the contract to the lowest responsible bidder, and shall require of such bidder or contractor a bond in one-half the amount of the contract, conditioned that he will properly perform its conditions in a faithful manner and in accordance with its provisions. In case none of the proposals are satisfactory, all shall be rejected, and said board shall advertise anew in the same manner as before, and may require in the contract to be executed that at least twenty per cent of the contract price may be withheld until the building is completed and accepted by the board. But if after twice advertising, as provided herein, no satisfactory bid is received, the board may proceed under its own direction to erect the building required, or in case of a building not exceeding \$5,000 in cost, if no satisfactory bid is received at the first notice, the board may proceed with the construction as it may determine.

4721. Establishment of Parental Schools. The board of education of any city of the first class shall or the boards of education of any other school district, under a contract to be approved by each of such boards, may provide for the establishment and maintenance of special schools and classes and for the support and education of the children transferred to them under the provisions of this chapter. Am'd '21, Ch. 105.

4722. Delinquent, dependent, or neglected children may be transferred. Any child between the ages of eight and eighteen years, residing within the city or cities maintaining such special schools or classes, who in the judgment of the board of education of such city, is not receiving care, training and education adapted to his special needs, or who has become, or is in danger of becoming a delinquent child, within the meaning of Section 1829, Compiled Laws of Utah, 1917, or a dependent or neglected child within the meaning of Section 1835, Compiled Laws of Utah, 1917, shall, with the consent of the parent or parents, custodian or guardian of

such child, be transferred to a special school or class, provided for the purpose, for a term not extending beyond the age of eighteen years. Am'd '21, Ch. 105.

4723. Release. Any child transferred to, or cared for, in such special schools or classes, may be released therefrom either conditionally or absolutely in accordance with the by-law established by the board or boards of education maintaining the same. Am'd '21, Ch. 105.

4727. Expense of parental schools, how paid. Any board or boards of education maintaining a special residential school, under the provisions of Section 4721, shall estimate and determine, as near as may be, the average actual expense per month of keeping and taking care of the boys and girls who may be transferred to such special residential school, and the average cost of keeping such boys and girls shall be wholly paid by the parent or guardian of each boy or girl transferred to the school, unless for good cause said board or boards of education shall otherwise order and direct. The board of education of the city in which the parent or guardian of any such transferred boy or girl resides may bring suit to enforce this provision. Am'd '21, Ch. 105.

4728. Admission of pupils from outside of city. On the tender of payment which shall meet all costs of support at a special school or class, the board or boards of education maintaining such special school or class, may receive into it on equal terms boys or girls whose residence is in the state outside the city or cities to which the school belongs. Am'd '21 Ch. 105.

4729. Attendance officers and assistants. The board of education of each such city, shall appoint and fix the compensation of a school attendance officer and such other assistants as shall be deemed necessary, whose duty it shall be to aid the school board in carrying out the provisions of this chapter. The police authorities of the city shall make such attendance officer and his assistants special policemen.

Am'd '21, Ch. 105.

4730. Clinical psychologist and assistants. The board of education of each such city, or the board of education of any two or more such cities, may appoint and fix the compensation of a clinical psychologist and such assistants as may be deemed necessary, whose duty it shall be to aid the school board or boards in carrying out the provisions of this chapter.

Am'd '21, Ch. 105.

CHAPTER 12.

GENERAL PROVISIONS.

4740. Compulsory attendance at schools. Exceptions.

Every parent, guardian, or other person having control of any child between eight and sixteen years of age shall be required to send such child to a public, district, or private school in the district in which he resides, at least twenty weeks in each school year, ten weeks of which shall be consecutive; provided, that in cities of the first and of the second class such children shall be required to attend school at least thirty weeks in each school year, ten of which shall be consecutive; provided, that in each year such parent, guardian, or other person having control of any child shall be excused from such duty by the school board of the district or the board of education of the city, as the case may be, whenever it be shown to their satisfaction that one of the following reasons exists:

1. That such child is taught at home in the branches prescribed by law for the same length of time as children are required by law to be taught in the district school;

2. That such child has already acquired the branches of learning taught in the district schools;

3. That such child is in such physical or mental condition (which may be certified by a competent physician if required by the board) as to render such attendance inexpedient or impracticable. If no such school is taught the requisite length of time within two and one-half miles of the residence of the child by the nearest road, such attendance shall not be enforced;

4. That such child is attending some public, district or private school;

5. That the services of such child are necessary to the support of a mother or an invalid father.

The evidence of the existence of any of these reasons for non-attendance must be in each case sufficient to satisfy the superintendent of the county or city in which the child resides; and the superintendent, upon the presentation of such evidence, shall issue a certificate stating that the holder is exempted from attendance during the time therein specified.

Am'd '05, p. 112.

4741. Penalty. Any such parent, guardian, or other person having control of any child between eight and sixteen years of age, who wilfully fails to comply with the requirements of the next preceding section, shall be guilty of a misdemeanor. Am'd '05, p. 112.

Compulsory education of deaf, dumb, and blind, §§ 5337-5339.

4742. Id. Inquiry into violations of school law. It shall be the duty of the president of the board of education of any city, and the chairman of the school trustees of any district, within their respective jurisdictions, to inquire into all cases of misdemeanor defined in this title, and to report the same and the offenders concerned, when known, to the city or county attorney of the city or county within which the offenses shall have been committed, and it is hereby made the duty of either of said officers to proceed immediately to prosecute such offenders.

4743. Incurrigible children. Sent to industrial school. All children in the district between the ages of eight and sixteen years who, in defiance of earnest and persistent efforts on the part of their parents or teachers, are habitual truants from school, or while in attendance at school are vicious, immoral, or ungovernable in conduct, shall be deemed incurrigible, and it is the duty of the president of the board of education or the chairman of the board of trustees of each school district to inquire into all cases within his district, and report them to the county attorney acting for such district, whose duty it shall be to prosecute such cases as incurrigibles and fit candidates for the state industrial school.

Parental schools in cities, §§ 4721-4729; in counties, §§ 4640-4648. Detention schools, §§ 1875-1881.

4744. American flag displayed, when. It shall be the duty of the board of education or school trustees of all school districts within the cities and counties of this state to provide each schoolhouse or the grounds thereof with a suitable flagpole, and to cause the American flag to be displayed thereon during the daylight hours of every legal holiday, February 12th, and flag day of each year. '07, p. 33.

CHAPTER 13.

SCHOOL PROPERTY, ETC., IN TERRITORY ANNEXED TO CITY.

4745. When annexed to a city of the first, second, or third class. When all the territory of a school district shall become annexed to a city of the first, second, or third class, by the extension of the boundaries of the city, all the school property, including moneys on hand and due to the said district, together with all records and papers belonging to said district, shall be transferred to, and the title vested in, the board of education of such city, and said board of education shall assume and be held responsible for the legitimate floating and bonded indebtedness of said annexed district. '07, p. 54.

Annexing territory to city, § 770.

4746. Annexation of part of district. When, by the extension of the limits of any city of the first, second, or third class, a part of the territory of an adjacent school district is annexed to such city, it shall be the duty of a board, consisting of the state superintendent of public instruction, the city superintendent of schools, the county superintendent of schools, or, in county school districts of the first class, the district superintendent of schools, to determine the present value of the school property of such district, also all moneys due to, or in the hands of, the district treasurer, and to equitably apportion the amount due the district board, or the board of education of such city, as the case may be. The amount due to the district board, or board of education of such city, when ascertained by the said board, shall, if there be not sufficient funds in the hands of the treasurer to pay such indebtedness, be levied upon the taxable property of that district or corporation found to be in debt, and shall be collected in the same manner as if the same had been authorized by the vote of the district board, or by the board of education of such city, and when collected it shall be paid to the treasurer of that district or board of education of such city to which it is due. The board of education or the district retaining the schoolhouse shall assume the bonded indebtedness incurred in the building and furnishing of such schoolhouse. '07, p. 54.

4747. Unadjusted claims. All unadjusted claims of cities and school districts arising from such annexation previous to March 14, 1907, shall be adjudged in accordance with the provisions of this chapter. '07, p. 55.

CHAPTER 14.

PUBLIC SCHOOL TEACHERS' RETIREMENT

ASSOCIATIONS.

('13, p. 155.)

4750. Organization. Commission. Upon the written request of a majority of the teachers employed in the public schools of any city of the first or the second class, the board of education of any such city shall authorize the organization of a public school teachers' retirement commission and association. In such petition there shall be designated three persons to serve as members of the retirement commission, who shall serve until the first election after the retirement commission is organized, and until their successors are elected and qualified. Am'd '17, p. 216.

4751. In cities of the first class. Membership of commission. Term. In cities of the first class the said commission shall be composed of seven members; three members to be elected from the retirement association by the members thereof, whose terms shall be for three years; the superintendent of city schools, the clerk of the board of education, and two members to be elected by the board of education from their number, whose terms shall be two years. In all cases the terms of office shall be from the first Monday in February following the election.

4752. Election of members of city commission. In cities of the first class the members of the retirement commission who are chosen by the teachers shall be elected at a meeting called by the superintendent of city schools, who shall cause each teacher who is a member of the association to be notified in writing of the time and place of such election, such notice to be given at least ten days before the election.

4753. Qualification. Vacancies. The commissioners and officers of the retirement commission shall qualify by taking and subscribing to the oath of office, which shall be filed with the clerk of the board of education. In case of vacancy in the elective membership of said commission, the vacancy shall be filled until the next election by the commission choosing a member from the body that elected the outgoing member. Am'd '17, p. 217.

4754. Officers. Compensation. Funds. The retirement commission shall organize by electing from their number, a president and a vice-president. The clerk of the board of education shall be clerk of such commission, and the treasurer of the board shall be treasurer of said commission. The commissioners and officers shall serve without compensation. The bond given by the treasurer of the board of education shall be liable for the safekeeping of the funds of the commission. Am'd '17, p. 217.

4755. Meetings. Records. Annual report. The retirement commission shall meet at least once each year, and shall keep a record of all its proceedings and a record of all money received and paid out, all of which records shall be open for public inspection. It shall also make an annual financial report showing the moneys received and disbursed, a copy of which report shall be printed and delivered to each member of the association.

4756. Funds, two classes. The funds of the retirement association shall be of two classes: (a) Permanent, and (b) current fund. The treasurer shall pay out money only on war-

rants signed by the president and clerk of the commission, and shall have charge, under the direction of the commissioners, of the investment and management of the permanent fund, and such of the current fund as shall not be required to pay benefits but such funds shall be invested only in state, county, school district, or municipal bonds.

4757. Membership. Every teacher who, after the taking effect of this chapter, accepts employment under the board of education of a city of the first or the second class in which city a teachers' retirement association has theretofore been organized, shall, by virtue of such employment, become a member of such retirement association, and there shall be incorporated in the contract of employment a stipulation that the teacher agrees to and is bound by all the rules and provisions governing membership in such association.

Am'd '17, p. 217.

4758. Income. Assessments. Deductions. The income of the public school teachers' retirement association shall be from the following sources:

1. All teachers who are members of a teachers' retirement association in cities of the first and the second class, shall have deducted from each and every payroll in payment for services, 1 per cent of the face of said payroll, and the amount of such deduction shall be certified to and paid by the clerk of the board of education monthly to the treasurer of the association; provided, that an annual salary of \$1200 shall be the maximum salary on which dues shall be paid, and if any teacher shall receive a salary in excess of such sum, then the deduction shall be made on \$1200 only;

2. The board of education shall pay an amount equal to the total amount paid to the public school teachers' retirement association fund by or on behalf of all teachers during each year under the provisions of subdivision 1 of this section, such amount to be certified to semi-annually by the clerk of the board of education and by him paid semi-annually to the treasurer of the association;

3. All moneys received from donations, legacies, bequests, or otherwise, for or on account of said fund. Am'd '17, p. 217; 21, Ch. 109.

4759. Current and permanent funds. Transfers. The first two sources of income, viz., 1 and 2, shall constitute the current fund, and the third source, viz., 3, shall constitute the permanent fund, unless specifically stipulated for the current fund in the donation, legacy, gift, or bequest. No portion of the permanent fund shall be available for current expenditure, but the interest thereon shall become a part of the current

fund. Any part of the current fund which is not used during the school year for the payment of annuities shall be transferred to and become a part of the permanent fund. Am'd '17, p. 217.

4760. Classification of beneficiaries. Retirements. Annuities. There shall be two classes of beneficiaries, under the retirement fund, viz., class A and class B.

Class A. On the recommendation of the retirement commission the board of education of the city shall have power by a two-thirds vote to retire any member of the association who is mentally or physically incapacitated for the performance of duty; provided, said teacher has taught in the city at least fifteen years and his or her term of service shall aggregate thirty years, except as hereinafter provided, whether before or after, or partly before or partly after the passage of this chapter. Each teacher so retired shall be entitled to receive as pension an annuity equal to one-half of the average annual salary drawn by said teacher for the five years preceding retirement, but in case his or her years of teaching shall not aggregate thirty years, but shall aggregate at least twenty years, he or she may be temporarily retired and shall be entitled to such a part of the annuity as his or her years of service are a part of thirty. Any teacher who has been retired under this class and who recovers his or her mental or physical powers sufficiently to teach or earn a livelihood in some other manner, in the opinion of a physician selected by the retirement commission, shall cease to draw an annuity under this classification. If such teacher does not recover before reaching the age of sixty, then he or she shall be transferred to class B.

Class B. Any member of the retirement association who has taught thirty years, one-half of which time has been in the city in which the retirement association is located, and who has reached the age of sixty years, shall, upon his or her request or upon the recommendation of the retirement commission and a two-thirds vote of the board of education of the city, without option be placed upon the retired list, and shall be entitled to an annuity equal to one-half of the average annual salary of the five years preceding retirement; provided, that the maximum annuity paid to any teacher under either class A or class B shall not exceed \$600. Am'd '17, p. 218.

4761 Id. Delinquent dues to be deducted. Transfer or continuance of membership. Any teacher who is retired under the provisions of either class A or B and who at the time of retirement has not paid into the retirement fund a sum equal to 1 per cent of the entire salary received for the previous years of service claimed, not to exceed a maximum of \$1200 annually, shall have such an amount deducted from his or her

annuity as shall equal the amount still due. This deduction may, in the discretion of the retirement commissioners, be distributed over a period not to exceed three years. Any teacher who is a member of a retirement association in the state of Utah and who accepts employment in a district outside of the bounds of his or her association shall, within thirty days thereafter, elect in which of two ways he or she prefers to continue his or her membership:

1. A transfer of membership, or
2. An absent membership.

If the first mentioned is selected, the clerk of the commission shall fill out on a proper form a report, covering the necessary data concerning said teacher, which report, with the one-half of the amount of money paid into the fund by or on account of said teacher, shall be accepted by any commission within the state as the complete record and payment of back dues of such teacher. If the second method is chosen, a teacher may continue his or her membership by voluntarily sending annually to the clerk of the commission the 1 per cent of his or her salary as certified to by the clerk of the board where he or she is employed, not to exceed a maximum of \$1200 annually.

4762. Estate entitled to refund. In case of the death of a member of the retirement association before retirement, leaving relatives dependent upon him or her, the estate of said teacher shall be entitled to a refund of the total amount paid into said fund by said teacher. Or if the estate has not sufficient funds to pay the funeral expenses, then such expenses shall be paid by the retirement commission, not exceeding the amount paid to the association by such teacher.

4763. Insufficient funds. If at any time the funds of the retirement association are not sufficient to meet the annuities and refunds hereinbefore specified, each annuitant and claimant shall be paid pro rata his or her proportion of the funds that are available.

4764. Teacher defined. The term "teacher," as used throughout this chapter, shall include superintendents, supervisors, principals, and teachers in the employ of boards of education of cities of the first and the second class. '17, p. 219.

4765. Rules and by-laws. The retirement commission is empowered to adopt such rules and by-laws for the carrying out of the provisions of this chapter as are in harmony with its intents and purposes.

4766. Repeal. Proviso. Chap. 21 of title 66 of the Compiled Laws of Utah, 1907, is hereby repealed; but all retirement

associations and commissions organized under the provisions of said chapter are continued under this chapter.

4767. Proportionate distribution of funds. The state teachers' retirement commission are hereby authorized and directed to distribute to the members of the state teachers retirement association the funds of such association now on hand after paying all expenses of the association, such distribution be made to the members in proportion to the amount paid by each. '17, p. 219.

VOCATIONAL EDUCATION.

(Chapter 86, Laws of Utah, 1919.)

Section 1. Acceptance of Congressional Act. That the State of Utah hereby reaffirms its acceptance and assent to the terms and provisions of the Act of Congress entitled: "An Act to provide for the promotion of vocational education, to provide for co-operation with the states in the promotion of such education in agriculture and the trades and industries; to provide for co-operation with the State in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," as enacted into law by the Legislature of the state of Utah, Sections 4540, 4541, 4542 and 4543, Compiled Laws of Utah, 1917.

Sec. 2. Custodian of fund. The State Treasurer is hereby designated as the custodian of all money to be received for said fund by appropriation, both federal and state, and he is hereby named as the official for the disbursement thereof upon orders authorized by the State Board for Vocational Education and approved by the State Board of Examiners.

Sec. 3. Designation of Board and directing officer. The State Board of Education is hereby designated as the State Board for Vocational Education; and the State superintendent of public instruction is hereby designated its chief executive officer.

Sec. 4. Authority of State Board. The State Board for Vocational Education shall have all necessary authority to co-operate with the Federal Board for Vocational Education in the administration of the said Act of Congress; to administer any legislation pursuant thereto enacted by the State of Utah; and to administer the funds provided by the federal government and the State of Utah under the provisions of this Act for the promotion, aid, and maintenance of vocational education in agricultural subjects, trade and industrial subjects, and home economics subjects; and education in health and in civic and

patriotic service continuing over the entire year in the school districts of the State of Utah. It shall have authority to appoint and to fix the compensation and pay the expenses of such officials and assistants as may be necessary to administer the federal act and this act for the state of Utah, and such compensation and other necessary expenses of administration shall be paid from funds appropriated in this Act upon the approval of the State Board of Examiners.

Sec. 5. **Meetings.** The State Board for Vocational Education shall hold at least four meetings per year, which shall be during the first week in January, April, July, and October; and shall meet at such other times as may be designated by the chairman or by a majority of the board.

Sec. 6. **Terms of schools—civic service.** Any district Board of Education may establish and maintain all-day vocational schools or classes, giving instruction in agricultural subjects, trade or industrial subjects, or home economics subjects; evening schools or classes, giving instruction supplemental to the daily employment of students; and part-time schools or classes, giving instruction supplemental to the daily employment of students; and part-time schools or classes, giving instruction to promote civic and vocational intelligence; and may promote education in health and in civic and patriotic service continuing over the entire year; and may raise and expend money for carrying out the provisions of this Act in the same manner as other money is raised and expended for school purposes.

Sec. 7. **Approved schools to share in funds.** Whenever any schools or activities have been organized in accordance with rules and regulations adopted by the State Board for Vocational Education and shall have been approved by the State Board for Vocational Education, they shall be entitled to share in federal and State funds available for the promotion of such education to an amount not to exceed fifty per cent (50%) of the moneys expended for the salaries of the teachers or supervisors engaged in carrying out the provisions of this Act.

PART-TIME SCHOOLS AND COMPULSORY ATTENDANCE.

(Chapter 92, Laws of Utah, 1919, as Amended in 1921.)

Section 1. **Attendance—excuses—power of superintendents.** Every parent, guardian, or other person having control of any minor between sixteen and eighteen years of age or any minor under sixteen years of age who has completed the eighth

grade, shall be required to send such minor to a regular public or private school at least thirty weeks each school year, unless such minor is so excused, the said parent, guardian or other person shall be required to send such minor to a part-time school or a continuation school at least 144 hours per year; provided that in each year such parent, guardian, or other person having control of such minor may be excused from such duty by the district Board of Education for any of the following reasons:

1. That such minor has already completed the work of a senior high school.
2. That such minor is taught at home the required number of hours.
3. That such minor is in such physical or mental condition (which must be certified by a competent physician if required by the Board) as to render such attendance inexpedient or impracticable.
4. That no such school is taught the requisite length of time within two and one-half miles of the residence or the place of employment of the minor, unless free transportation is provided.

The evidence of the existence of any of these reasons for non-attendance must be in each case sufficient to satisfy the superintendent of the district in which the child resides; and the superintendent, upon the presentation of such evidence, shall issue a certificate stating that the holder is exempted from attendance during the time therein specified.

Sec. 2. Penalty for neglect. Any parent, guardian, or other person having control of any child who comes within the provisions of this Act who wilfully fails to comply with its requirements shall be guilty of a misdemeanor.

Section 3. Duties of Boards and Juvenile Courts. It shall be the duty of the board of education of every district within its respective jurisdiction to inquire into all cases of misdemeanor defined in this title; and to report the same and the offenders concerned, when known, to the juvenile court of the district within which the offense shall have been committed and it is hereby made the duty of the officers of said Juvenile Court to proceed immediately to investigate and take the necessary action. Am'd '21, Ch. 107.

Sec. 4. Powers of Board for vocational education. The State Board for Vocational Education shall establish rules and regulations governing the organization and administration of part-time schools or classes, and shall expend from the

funds appropriated for the promotion of vocational education such sums of money as are necessary for the proper enforcement of this Act.

Sec. 5. Hours of attendance and employment—Federal law. Whenever the number of hours for which a child who comes within the provisions of this Act may be employed shall be fixed by federal or State law, the hours of attendance upon a part-time school or class organized in accordance with the terms of this Act shall be counted as a part of the number of hours fixed for legal employment by federal or State law.

Sec. 6. Duty of employers. Any person, firm, or corporation employing a child who comes within the provisions of this act shall permit the attendance of such child upon a part-time school or class whenever such part-time school or class shall have been established in the district where the child resides or may be employed, and any person, firm or corporation employing any such child contrary to the provisions of this Act shall be guilty of a misdemeanor.

Sec. 7. Powers of truant officers. The truant officer appointed by the school district shall be charged with the responsibility for the enforcement of the attendance upon part-time schools and classes of children who come within the terms of this act.

Sec. 8. Courses of study and sessions of schools. A part-time school or class established in accordance with the terms of this Act shall provide an education for children who have entered employment which shall be either supplemental to the work in which they are engaged, continue their general education, or promote their civic and vocational intelligence. Part-time schools or classes established in accordance with the provisions of this Act shall be in session not less than four hours a week between the hours of 8 a. m. and 6 p. m.

Sec. 9. Number required to establish schools. The Board of Education of any district in which there shall reside or be employed or both, not less than fifteen minors who come within the provisions of this Act, and who have entered upon employment, shall establish part-time schools or classes for such employed minors.

Sec. 10. Reports to district Boards as to expediency. Whenever any Board of Education shall deem it inexpedient to organize part-time schools or classes for employed minors, it shall state the reasons for such inexpediency to the State Board for Vocational Education, and when the State Board for Vocational Education shall judge such reason as valid, the district Board of Education shall be excused from the establishment of such part-time schools or classes.

Sec. 11. Employers to notify Boards as to minor employes. The employer of any minors under eighteen years of age shall keep a list of minors so employed and shall keep on file the certificates issued by the superintendent of schools, and shall notify the Board of Education of the district in which the child last attended school of such employment within five days after the beginning of such employment. Upon the termination of service of any such employed minor, the employer shall return within five days the age and schooling certificate, to the superintendent of schools issuing such certificate.

Sec. 12. Salaries of teachers—payment—prorating. Whenever any district shall establish part-time schools or classes in accordance with the provisions of this Act, and such schools or classes shall have been approved by the State Board for Vocational Education, such district shall be entitled to reimbursement for the expenditure made for the salaries of teachers and co-ordinators of such part-time schools or classes not to exceed 50 per cent of the money so expended. Such reimbursement shall be made from federal and State funds available for such education; provided, that if the amount so available is not sufficient to pay 50 per cent of such salaries, the State Board for Vocational Education shall have power to prorate the amount available among the districts maintaining such approved part-time schools or classes.

HEALTH EDUCATION.

(Chapter 85, Laws of Utah, 1919.)

Section 1. Appointment of Director—duties—salary. That the State Board of Education is authorized to appoint a State Director of Health Education and to fix his salary and determine his qualifications. Under the State Board of Education, the Director of Health Education shall exercise general supervisory control of health education in the public schools of the State consisting of hygiene, sanitation, physical education, and recreation. He shall advise with local boards of education in regard to organization and effective means of preserving and promoting the health and physical welfare of school children and of children of pre-school age as provided for in this act. The salary and necessary traveling expenses of such officer shall be paid out of the State school fund upon approval of such salary and expenses by the State Board of Examiners.

Sec. 2. Supervisors—courses required—time. The State Board of Education shall determine the professional requirements of supervisors of health education and school nurses. Health education consisting of sanitation and personal and school hygiene shall be required of all teachers in the public

schools of the State, provided, that teachers now in the service shall have three years from date of approval of this Act, in which to comply with the provisions of same.

Sec. 3. Pre-school age—measures for education—consent—providing plans. The Boards of Education of all school districts of the State are authorized to adopt such reasonable measures for health education and to incur such reasonable expense as may be necessary for the promotion of the physical welfare of children of pre-school age in their respective districts, including the education of parents in matters pertaining to child welfare. The power herein granted to local Boards of Education shall only be exercised with the consent of the parents.

A committee consisting of the State Director of Health Education, the dean of the State School of Education, the dean of the department of medicine of the University of Utah, the secretary of the State Board of Health, and the director of the department of home economics of the Agricultural College, shall provide and recommend plans for carrying into effect the provisions of this Section. Such plans shall be approved by the State Board of Education.

AMERICANIZATION SCHOOLS.

(Chapter 93, Laws of Utah, 1919: as Amended by Chapter 108, Laws of Utah, 1921.)

Section 1. Name. This act shall be known as the Americanization Act.

Sec. 2. Attendance—examinations. Every alien person residing in this State, except those who may be physically or mentally disqualified, between the ages of sixteen and thirty-five years, who does not possess such ability to speak, read, and write the English language as is required for the completion of the fifth grade of the public schools of the State, shall attend a public evening school class for at least four hours a week during the entire time an evening school class of the proper grade shall be in session in that district within two and one-half miles of his place of residence, or until the necessary ability has been acquired; provided, that regular attendance at a public day school or part-time school shall be accepted in place of attendance at an evening school class. The determination of the persons subject to the provisions of this section shall be made by examination to be held under rules to be prescribed by the State Board of Education. The board of Trustees of any school district or the State Board of Education may direct any persons to take these examinations and the failure of such persons to take the examinations ex-

cept for good cause shall be taken as evidence that they are subject to the provisions of this Section.

Sec. 3. Violation of Act—penalty—separate offenses. Any person subject to the provisions of Section 2 of this Act who wilfully violates its provisions, shall be guilty of a misdemeanor and shall be punished, upon conviction by a fine of not less than \$5.00 and not more than \$25.00 for each offense. The parent or guardian of any person under twenty-one years of age who is subject to the provisions of Section 2 of this Act shall be held responsible for his attendance. The wilful failure of any guardian or parent of such person to enforce regular attendance shall constitute a misdemeanor and upon conviction thereof such parent or guardian shall be punished by a fine of not less than \$5.00 and not more than \$25.00 for each offense. The failure to maintain regular attendance during each school month that an evening school is in session in that district, shall constitute a separate offense for the purpose of this Section.

Sec. 4. Evening classes—organization—duties of School Board. The Board of Trustees of any school district in the State may, and upon the direction of the State Board of Education shall, establish and maintain for at least 200 hours during the school year evening school classes in English, the fundamental principles of the Constitution of the United States, American history and such other subjects as bear on Americanization, as part of the public schools; provided that no district shall be required to maintain a class for fewer pupils than a minimum number to be determined by the State Board of Education. Such classes shall be organized to meet the needs of the persons subject to the provisions of section two of this Act, and such classes shall be held at places that are most accessible to the members of the class.

Sec. 5. Salaries of teachers—payments. The salaries of teachers and the expenses of supervisors of evening classes established under the provisions of this Act shall be paid from the Americanization fund. Such payments shall be made only upon the sworn statements of expenditures for salaries of teachers and expenses of supervision under rules to be made by the State Board of Education. No payments shall be made for salaries of teachers in classes established under the provision of Section 4 of this Act unless such classes shall have been conducted for the minimum time therein stated, except by special action of the State Board of Education.

Sec. 5. Registration for instruction. On or before the first day of September of each year, every alien person residing in the state of Utah subject to the provisions of this Act

shall appear at the office of the city or the district superintendent of schools of the city or district of which he is a resident or at a place designated by the superintendent of schools and shall there register for instruction according to such form as shall be prescribed by the state board of education.

Sec. 5x1. Penalty. Any person subject to the provisions of this Act who wilfully violates the provisions of Section 7 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$15.00 and not more than \$25.00. The parent or guardian of any person under twenty-one years of age who is subject to the provisions of this act shall be held responsible for his registration.

Section 5x2. Instruction Fee. At the time of registration for instruction each person subject to the provisions of this Act shall be required to pay an instruction fee of \$10.00 to the city or district superintendent of schools or to a person designated by him. On or before the fifteenth day of October of each year the city or district superintendent shall pay the total amount of such fees collected to the State Treasurer, who shall credit the same to the Americanization Fund. All moneys credited to the Americanization Fund shall be administered as provided by law under the direction of the State Superintendent of Public Instruction.

Sec. 7. Powers and duties of State Board of Education. The State Board of Education shall make regulations regarding the examinations prescribed by Section 2 of this Act, shall make regulations concerning the conditions under which it will direct the establishing of evening classes, shall make regulations regarding the regular attendance required in the various Sections of this Act, shall determine the minimum number of pupils for which school classes shall be organized and maintained, shall determine the basis on which salaries of teachers and the expenses of supervision shall be paid, shall determine the necessary qualifications of teachers employed under this Act, shall receive applications from the various school districts for portions of the funds hereinafter appropriated and shall make any other regulation necessary to carry out the provisions of this Act.

Sec. 8. Attendance secured. The regular attendance required by this Act shall be secured in the same manner and under the direction of the same officers as is provided by law for the compulsory regular attendance at any other public schools or classes.

STATE DISTRICT SCHOOL TAX.

(Chapter 138, Laws of Utah, 1921.)

An act to amend Section 5998, Compiled Laws of Utah, 1917, relating to the levy of a State tax for District School purposes.

Be it Enacted by the Legislature of the State of Utah:

Section 1. That Section 5998, Compiled Laws of Utah, 1917, be and the same is hereby amended to read as follows:

5998. State tax levy for school purposes. The state board of equalization and assessment is hereby authorized and directed to levy annually a state tax for district school purposes at such rate as will raise an amount, which added to any other state funds available for district school purposes, equals as near as may be \$25.00 for each person of school age as shown by the last preceding school census; and the levy and collections of said tax must be performed in the same manner and at the same time as other state taxes are levied and collected, and shall be apportioned to the several school districts as provided by law.

Section '2. This act shall take effect upon approval.

Approved February 18, 1921.

REHABILITATION OF INJURED PERSONS.

(Chapter 97, Laws of Utah, 1921.)

An act to accept the benefits of an act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for the promotion of Vocational Rehabilitation of persons disabled in industry or otherwise and their return to Civil Employment, Approved June 2, 1920.

Be it Enacted by the Legislature of the State of Utah:

Section 1. **Federal Act accepted.** The State of Utah does hereby through its legislative authority accept the provisions and benefits of the act of Congress entitled "An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment, approved June 2, 1920.

Section 2. **Custodian of fund.** The State Treasurer is hereby designated and appointed custodian of all moneys received by the state from appropriations made by the Congress of the United States for vocational rehabilitation of per-

sons disabled in industry or otherwise and is authorized to receive and provide for the proper custody of the same and to make disbursements therefrom upon orders authorized by the State Board for Vocational Education and approved by the State Board of Examiners.

Sec. 3. Designation of board. The State Board of Education heretofore designated as the State Board for Vocational Education in the administration of the provisions of the Vocational Education Act, approved February 23, 1917, is hereby designated as the State Board for the purpose of cooperating with the said Federal Board in carrying out the provisions and purposes of said Federal act providing for the rehabilitation of persons disabled in industry or otherwise and is empowered and directed to cooperate with said Federal Board in the administration of said act of Congress; to prescribe and provide such courses of vocational training as may be necessary for the vocational rehabilitation of persons injured in industry or otherwise and provide for the supervision of such training and to appoint such assistants as may be necessary to administer this act and said act of Congress in this state; to fix the compensation of such assistants and to direct the disbursement and administer the use of all funds provided by the Federal Government and the state of Utah for the vocational rehabilitation of such persons.

Section 4. State board and industrial commission to cooperate. It shall be the duty of the State Board for Vocational Education and the State Industrial Commission to formulate a plan of cooperation in accordance with the provisions of this act and said act of Congress, such plan to become effective when approved by the Governor of this state.

Section 5. Powers and duties of board. The State Board of Vocational Education is hereby authorized and empowered to receive such gifts and donations either from public or private sources as may be offered unconditionally or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise as in the judgment of the state Board are proper and consistent with the provisions of this act. All the moneys received as gifts or donations shall be deposited in the State Treasury and shall constitute a permanent fund which may be invested in such securities as may be approved by the state board of examiners, such fund to be called the special fund for said board to defray the expenses of vocational rehabilitation in special cases including payment of necessary expenses of persons undergoing training. A full report of all gifts and donations offered and accepted together with the names of the donors and the respective amounts con-

tributed by each and all disbursements therefrom shall be submitted annually to the Governor of the State and to the Governor and Legislature biennially by the State Board.

Section 6. Reports. The State Board for Vocational Education shall make to the Governor annually and to the Governor and Legislature biennially a report of all moneys expended for the vocational rehabilitation of persons disabled in industry or otherwise, both from State and Federal funds and shall include such biennial report in the biennial report of the State Board of Education.

Section 7. This act shall take effect June 30, 1921.

Approved February 23, 1921.

ATHEISTIC OR RELIGIOUS TEACHING

(Chapter 95, Laws of Utah, 1921.)

An act prohibiting the teaching of sectarian and certain other doctrines in the district schools of this state and requiring that they be kept free from sectarian control and also providing that instruction along certain moral lines shall be given and providing a penalty for the violation of the provisions of this act.

Be it enacted by the legislature of the State of Utah:

Section 1. Atheistic or religious teaching unlawful. It shall be unlawful to teach in any of the district schools of this State, while in session, any atheistic, infidel, sectarian, religious, or denominational doctrine and all such schools shall be free from sectarian control.

Section 2. Moral instruction to be given. Nothing in this act shall be deemed to prohibit the giving of any moral instruction tending to impress upon the minds of the pupils the importance and necessity of good manners, truthfulness, temperance, purity, patriotism, and industry but such instruction shall be given in connection with the regular school work.

Section 3. Penalty. Any person who shall violate any of the provisions of this act shall be guilty of a misdemeanor.

Approved March 5, 1921.

PLANS FOR SCHOOL BUILDINGS

(Chapter 94, Laws of Utah, 1921.)

An act relating to the filing of plans and specifications for school buildings with the State Superintendent of Public Instruction, and repealing Section 4527, Compiled Laws of Utah, 1917.

Be it Enacted by the Legislature of the State of Utah:

Section 1. **Plans to be approved.** No school building or addition thereto shall hereafter be contracted for or erected in any school district in this state, not included in cities of the first and second class, the cost of which exceeds \$5,000.00, until the plans and specifications for the same shall have been submitted in duplicate to the State Superintendent of Public Instruction and his approval endorsed thereon. One copy of each such approved plans and specifications shall remain on file in the office of the State Superintendent of Public Instruction.

Section 2. **Code of standards.** The State Superintendent of Public Instruction shall formulate a code to govern the preparation of all plans and specifications for school buildings. Said code shall include standards for construction, heating, ventilation, sanitation, lighting, safety from fire, panic and other dangers, and for promoting the safety and health of the occupants.

Section 3. **Architect or expert may be employed.** The State Superintendent of Public Instruction is hereby charged with the enforcement of the provisions of this act, and whenever it is necessary, he may employ an architect or other expert to examine the plans and specifications of any school building or addition thereto, submitted as provided above, or to inspect any school building in course of erection. If such examination or inspection reveals non-conformity with said code, the State Superintendent of Public Instruction shall notify the Board of Education erecting said building and make recommendations; and it shall be the duty of said Board of Education to comply therewith.

The compensation and expenses of said architect or expert for the actual time so employed shall be paid out of the state school fund upon approval of the State Superintendent of Public Instruction and the State Board of Examiners.

Section 4. **Licensed architect to make plans.** No plans or specifications of school buildings shall be approved unless prepared by a duly licensed architect.

Section 5. Section 4527, Chapter 3, Title 90, of the Compiled Laws of Utah, 1917, is hereby repealed.

Approved March 10, 1921.

EXTRACTS FROM THE STATE CONSTITUTION.

ARTICLE X

EDUCATION

Section 1. **Free non-sectarian schools.** The Legislature shall provide for the establishment and maintenance of a

uniform system of public schools, which shall be open to all children of the state and be free from sectarian control.

Sec. 2. Public school system, maintenance. The public school system shall include kindergarten schools; common schools, consisting of primary and grammar grades; high schools, an agricultural college; a university; and such other schools as the Legislature may establish. The common schools shall be free. The other departments of the system shall be supported as provided by law.

Sec. 3. State school fund, interest distributed. The proceeds of all lands that have been or may be granted by the United States to this State, for the support of the common schools; the proceeds of all property that may accrue to the State by escheat or forfeiture; all unclaimed shares and dividends of any corporation incorporated under the laws of this State; the proceeds of the sale of timber, mineral or other property from school and State lands, other than those granted for specific purposes; and five percentum of the net proceeds of the sale of public lands lying within the State, which shall be sold by the United States, subsequent to the admission of this State into the Union, shall be and remain a perpetual fund, to be called the State School Fund, the interest of which only, together with such other means as the Legislature may provide, shall be distributed among the several school districts according to the school population residing therein. Provided, that all funds derived from any State tax for high schools shall be apportioned among the several cities and school districts according to the attendance at the high schools therein: but no city or district shall be entitled to any part of the fund derived from the State tax for high schools unless the high school therein is maintained upon the standard and for the period during the year that may be fixed by the State Board of Education.

Sec. 4. University and agricultural college located. Rights, etc. The location and establishment by existing laws of the University of Utah, and the Agricultural College are hereby confirmed, and all the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto said University and Agricultural College respectively.

Sec. 5. Proceeds of land grants to constitute permanent funds. The proceeds of the sale of lands reserved by an Act of Congress, approved February 21st, 1855, for the establishment of the University of Utah, and of all the lands granted by an Act of Congress, approved July 16th, 1894, shall constitute permanent funds, to be safely invested and held by the State; and the income thereof shall be used exclusively for the support and maintenance of the different institutions and

colleges, respectively, in accordance with the requirements and conditions of said Acts of Congress.

Section 6. Separate control of city schools. In cities of the first and second class, the public school system shall be controlled by the Board of Education of such cities, separate and apart from the counties in which said cities are located.

Sec 7. School funds guaranteed by state. All public School Funds shall be guaranteed by the State against loss or diversion.

Sec. 8. State board of education. The general control and supervision of the Public School System shall be vested in a State Board of Education, consisting of the Superintendent of Public Instruction, and such other persons as the Legislature may provide.

Sec. 9. Text Books. Neither the Legislature nor the State Board of Education shall have power to prescribe text books to be used in the common schools.

Sec. 10. Institutions for deaf, dumb and blind. Property. Fund. Institutions for the deaf and dumb and for the blind, are hereby established. All property belonging to the School for the Deaf and Dumb, heretofore connected with the University of Utah, shall be transferred to said institution for the deaf and dumb. All the proceeds of the lands granted by the United States, for the support of a Deaf and Dumb Asylum, and for an Institution for the Blind, shall be a perpetual fund for the maintenance of said Institutions. It shall be a trust fund, the principal of which shall remain inviolate, guaranteed by the State against loss by diversion.

Sec. 11. Metric System. The Metric System shall be taught in the public schools of the State.

Sec. 12. No religious or partisan tests in schools. Neither religious nor partisan test or qualification shall be required of any person, as a condition of admission, as teacher or student, into any public educational institution of the State.

Sec. 13. Public aid to church schools forbidden. Neither the Legislature nor any county, city, town, school district, or other public corporation, shall make any appropriation to aid in the support of any school, seminary, academy, college, university or other institution, controlled in whole, or in part, by any church, sect or denomination whatever.

ARTICLE XIII.

Sec. 7. Tax rate for state and school purposes. The rate of taxation on property for State purposes shall never exceed 8 mills on each dollar of valuation to be apportioned as fol-

laws: Not to exceed $4\frac{1}{2}$ mills on each dollar of valuation for general State purposes; not to exceed 3 mills on each dollar of valuation for district school purposes; not to exceed $\frac{1}{2}$ mill on each dollar of valuation for high school purposes; that part of the State tax apportioned to high school purposes shall constitute a fund to be called the High School Fund and shall be apportioned to the cities and school districts maintaining high schools in the manner the Legislature may provide. And whenever the taxable property within the State shall amount to \$400,000,000.00, the rates shall not exceed on each dollar of valuation two and four-tenths mills for general State purposes, two-tenths of one mill for high school purposes, and such levy for district school purposes as will raise annually an amount which, added to any other State funds available for district school purposes, equals \$25.00 for each person of school age in the State shown by the last preceding school census; unless a proposition to increase such rate or rates, specifying the rate or rates proposed and the time during which the same shall be levied, be first submitted to a vote of such of the qualified electors of the State as, in the year next preceding such election, shall have paid a property tax assessed to them within the State, and the majority of those voting thereon shall vote in favor thereof, in such manner as may be provided by law.

ARTICLE XIV

Sec. 4. **Limit of indebtedness of counties, cities, etc.** When authorized to create indebtedness as provided in Section 3 of this Article, no county shall become indebted to an amount, including existing indebtedness exceeding two percentum. No city, town, school district or other municipal corporation, shall become indebted to an amount, including existing indebtedness, exceeding four percentum of the value of the taxable property therein, the value to be ascertained by the last assessment for State and county purposes, previous to the incurring of such indebtedness; except that in incorporated cities the assessment shall be taken from the last assessment for city purposes; provided, that no part of the indebtedness allowed in this Section shall be incurred for other than strictly county, city, town or school district purposes; provided further, that any city of the first and second class when authorized as provided in Section 3 of this Article, may be allowed to incur a larger indebtedness, not to exceed four percentum and any city of the third class, or town, not to exceed eight percentum additional, for supplying such city or town with water, artificial lights or sewers, when the works for supplying such water, light and sewers, shall be owned and controlled by the municipality.

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